



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 1

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### No. 1 — Wednesday, 19 December 2018

- 1 The Council met pursuant to the Proclamation of the Governor dated 12 December 2018, which was read by the Clerk and is as follows:

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#### CONSTITUTION ACT 1975

#### PROCLAMATION

I, Linda Dessau AC, Governor of the State of Victoria, acting under sections 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 19 December 2018 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-ninth Parliament of Victoria for the dispatch of business, at Parliament House, Melbourne. The Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

Given under my Hand and the Seal of the State of Victoria,  
at Melbourne, this 12<sup>th</sup> day of December 2018

LINDA DESSAU  
Governor

(L.S.)

By Her Excellency's Command  
DANIEL ANDREWS MP  
Premier

- 2 **INTRODUCTION OF COMMISSIONER** — The Honourable the Chief Justice, the Commissioner from the Governor appointed to open the Parliament, was introduced to the Council Chamber by the Usher of the Black Rod.

The Honourable the Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor has caused a Commission to be issued under the Seal of the State constituting her Commissioners to do in her name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Clerk.

The Commission was then read and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE ANNE FERGUSON  
CHIEF JUSTICE OF VICTORIA

AND  
 TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL AC  
 PRESIDENT OF THE COURT OF APPEAL  
 GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Fifty-ninth Parliament at 11.00 am in the morning of Wednesday the nineteenth day of December 2018 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament (other than to give my speech).

GIVEN under my hand and the Seal of Victoria  
 on this 17<sup>th</sup> day of December 2018

LINDA DESSAU  
 Governor

(L.S.)

By Her Excellency's Command  
 DANIEL ANDREWS MP  
 Premier

Then the Honourable the Chief Justice said —  
 MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor will attend the Parliament later this day to inform you and Members of the Legislative Assembly of the reasons for calling this Parliament together, and as it is necessary before you proceed with business that a President of the Legislative Council be chosen, the Governor requests that you proceed to the choice of a President.

- 3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable the Chief Justice handed her Commission to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Clerk who read the same as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC  
 GOVERNOR OF VICTORIA  
 TO THE HONOURABLE JUSTICE ANNE FERGUSON  
 CHIEF JUSTICE OF VICTORIA  
 GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the nineteenth day of December 2018, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the Seal of Victoria  
 on this 17<sup>th</sup> day of December 2018

LINDA DESSAU  
 Governor

(L.S.)

By Her Excellency's Command  
 DANIEL ANDREWS MP  
 Premier

- 4 RETURNS TO WRITS** — The Clerk announced that a Writ issued under the hand of the Governor on 30 October 2018 for the election of Members to serve in each of 8 Regions had been received from the Governor, and by the endorsements on that Writ it appeared that the following Members had been elected:

For the Eastern Metropolitan Region —

Bruce Atkinson  
 Rodney Barton  
 Shaun Leane  
 Sonja Terpstra

Mary Wooldridge

For the Eastern Victoria Region —

Melina Bath

Jeff Bourman

Jane Garrett

Edward O'Donohue

Harriet Shing

For the Northern Metropolitan Region —

Nazih Elasmr

Jenny Mikakos

Craig Ondarchie

Fiona Patten

Samantha Ratnam

For the Northern Victoria Region —

Mark Gepp

Wendy Lovell

Tania Maxwell

Tim Quilty

Jaclyn Symes

For the South Eastern Metropolitan Region —

Gavin Jennings

Tien Kieu

David Limbrick

Gordon Rich-Phillips

Adem Somyurek

For the Southern Metropolitan Region —

Georgie Crozier

Philip Dalidakis

David Davis

Clifford Hayes

Nina Taylor

For the Western Metropolitan Region —

Catherine Cumming

Bernie Finn

Cesar Melhem

Ingrid Stitt

Kaushaliya Vaghela

For the Western Victoria Region —

Stuart Grimley

Beverley McArthur

Andy Meddick

Jaala Pulford

Gayle Tierney

- 5 DECLARATION OF ALLEGIANCE** — Mr Atkinson, Mr Barton, Ms Bath, Mr Bourman, Ms Crozier, Dr Cumming, Mr Dalidakis, Mr Davis, Mr Elasmr, Mr Finn, Ms Garrett, Mr Gepp, Mr Grimley, Mr Hayes, Mr Jennings, Dr Kieu, Mr Leane, Mr Limbrick, Ms Lovell, Ms Maxwell, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Mikakos, Mr O'Donohue, Mr Ondarchie, Ms Patten, Ms Pulford, Mr Quilty, Dr Ratnam, Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Stitt, Ms Symes, Ms Taylor, Ms Terpstra, Ms Tierney, Ms Vaghela and Ms Wooldridge approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable the Chief Justice attested the Roll, and then withdrew.

**6 ELECTION OF PRESIDENT** — The Clerk announced that the time had arrived for proceeding to the election of a President of the Council.

Mr Jennings, addressing the Clerk, nominated Mr Leane to be President.

Ms Symes seconded the nomination.

Mr Leane, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Leane to be elected President.

The Council then calling Mr Leane to the Chair, he was taken out of his place by Mr Jennings and Ms Shing and conducted to the Chair; and then he took the Chair of the President, read the prayer and made an Acknowledgement of Country.

The President made acknowledgements to the Council for the high honour that had been conferred on him.

Mr Jennings and Mr Davis then congratulated the President.

**7 ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Mr Davis nominated Ms Lovell to be Deputy President.

Ms Crozier seconded the nomination.

There being no further nominations the President declared Ms Lovell to be elected Deputy President.

The President announced that the Governor would be pleased to receive the President and Members of the Council in the Library of Parliament House at 1.25 p.m.

*[Sitting suspended from 11.44 a.m. until 2.01 p.m.]*

**8 APPROACH OF THE GOVERNOR** — The approach of the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

The Governor came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly, who having come with their Speaker, the Governor was pleased to speak as follows:

Honourable President and Members of the Legislative Council:

Honourable Speaker and Members of the Legislative Assembly:

First, I acknowledge the Traditional Owners of the land upon which we are gathering and I acknowledge their ongoing connection to it.

Following the results of the general election on 24 November, I commissioned the Leader of the Victorian Labor Party, Mr Daniel Andrews, to form a government.

Accordingly, I have called you together on this day, the first session of the 59th Parliament, to outline the policy agenda and legislative intentions of the Government in its second term.

**Summary**

The Government has spent the past four years investing in hospitals and schools, building road and rail, creating jobs and taking action on family violence.

In its second term, the Government will continue to deliver on its positive plan, creating a better, fairer and stronger Victoria.

The Government is committed to helping every child reach their full potential, making sure our loved ones get the care and dignity they deserve, and building the big infrastructure projects Victoria needs now, and for the future.

It is a plan that aims to create more jobs and to give more Victorians the security and dignity of work.

Over the next four years the Government will focus on:

- education
- jobs
- transport



- health; and
- fairness.

### **Education**

The Government understands the profound power of education – the doors it opens and the opportunities it affords.

In its second term, the Government will continue to invest in local schools, kindergartens and TAFE to ensure that every Victorian has the chances in life they deserve – wherever they live and whatever their background.

#### Investing in kindergarten for all Victorian children

The Government understands that success begins with making sure Victorian children get the very best start in life.

That's why the Government will undertake the largest social, economic and educational reform in early childhood learning in Victoria's history.

The Government will invest almost \$5 billion over the next decade so that every Victorian child will have access to at least five hours of subsidised three-year-old kinder by 2022, increasing to 15 hours per week over the next decade.

Not only will this save families thousands of dollars, it will help get children ready for school and set them up for life.

As part of this investment, the Government will undertake the state's biggest early education build, with almost 1,000 new and upgraded kinders across the state.

#### Delivering great local schools

Continuing its investments in education, the Government will upgrade schools across the state.

And to make sure families in our fastest growing communities have a great local school they can rely on, the Government will open 100 new schools over the next eight years.

#### Fairness for our kids

The Government will also continue to make sure that every child can get the most of their education, expanding its school Breakfast Clubs and providing free school lunches to 1,000 schools across the state.

The Government will also invest in free dental care at all public primary and secondary schools, rolling out 250 dental vans and saving families up to \$400 per year on their child's dental care.

#### Rebuilding Victoria's TAFEs

And because the Government understands that TAFE changes lives, it will continue its rebuild of Victoria's training system.

On top of the free TAFE courses in priority areas, the Government will establish the Building Better TAFEs Fund – \$220 million to rebuild and revamp TAFEs across the state.

### **Jobs**

The Government believes in good, secure jobs.

Jobs that give Victorians dignity and security and an opportunity to build their futures.

#### Protecting penalty rates

In its second term, the Government will enshrine public holidays in law, including Easter Sunday, Christmas Day and Grand Final Friday, to permanently protect penalty rates for thousands of Victorian workers.

#### Protecting Victorians and their entitlements at work

And because this Government believes in fair pay for fair work, it will introduce new legislation to make wage theft a criminal offence, with significant penalties for employers who deliberately and dishonestly underpay their workers.

The Government will also continue to implement new labour hire licensing and portable long service arrangements legislated by the previous Parliament, and continue the role of the Victorian Wage Inspectorate in protecting the rights of workers.

The Government believes that every worker should make it home safely, which is why it will introduce a new offence to make workplace manslaughter a crime.

These new laws will make sure that if an employer's negligence causes death, they are held to account, and it will help to create a culture where the safety of workers is given the priority it deserves.

#### Creating jobs in regional Victoria

The Government will build on its efforts in creating thousands of new jobs, in every corner of the state.

That includes new jobs in the Latrobe Valley by basing a new office of Solar Victoria in Morwell.

The Government will help grow Victoria's craft producers, creating new jobs and attracting even more visitors from interstate and overseas, with a dedicated \$10 million grant fund.

The Government will also help create more jobs in Victoria's agriculture industry, supporting our farming families, investing in our agricultural colleges and continuing its support for young farmers.

#### **Transport**

The Government has used its purchasing power to help create more jobs for Victorians, including mandating a minimum requirement for local content on its major projects and requiring that 10 percent of work is to be done by trainees, apprentices, and cadets.

The Government will continue to make sure Victorian jobs are at the heart of its efforts to build a world-class transport system.

#### The Suburban Rail Loop

To keep up with our growing population and to help connect Victoria, the Government will begin planning on the Suburban Rail Loop.

The Suburban Rail Loop will be an underground train network that connects every major train line from Cheltenham to Werribee – including a link to Melbourne Airport – with 12 new underground stations.

The Suburban Rail Loop will also create regional super hubs at Clayton, Broadmeadows and Sunshine, and take 200,000 cars off our roads every day.

#### Western Rail Plan

The Government's Western Rail Plan recognises the growth of Melbourne's western suburbs and the popularity of Geelong and Ballarat as commuter hubs.

The Western Rail Plan includes planning for the full separation of regional and metro services on the Geelong and Ballarat lines – the first step in delivering fast rail to these cities – meaning fewer stops, faster trips and less crowded trains for local passengers.

#### Cranbourne Duplication

The Government also acknowledges the growing needs of Melbourne's south east.

That's why the Government will invest \$750 million in the Cranbourne Line Duplication Project to duplicate eight kilometres of rail track between Cranbourne and Dandenong and remove the bottlenecks that cause delays.

This will allow the number of train services to be doubled during peak times, delivering trains every ten minutes to Lynbrook, Merinda Park and Cranbourne Stations.

#### Removing dangerous Level Crossings

The Government has already removed 29 of our state's most dangerous and congested level crossings.

The Government will build on this work, removing a total of 75 level crossings by 2025.

### Airport Rail

The Government will also provide up to \$5 billion towards a new Airport Rail Link, matching the funding provided by the Commonwealth Government and making sure work on this much-talked about project can begin.

### North East Link

To better connect our city and our state, the Government will build the \$16.5 billion North East Link project, reducing travel times between Melbourne's north and south by up to 30 minutes and taking thousands of cars off local roads.

### Fixing local roads for local drivers

The Government will continue its investment in local roads, with plans to fix thousands of kilometres of roads across the state, in communities from Ballarat to Barwon Heads.

### 11,000 more train station car parks

And to make it easier for commuters to find a car park, the Government's \$150 million Car Parks for Commuters Fund will see over 11,000 new and upgraded car spaces at some of the state's busiest metropolitan and regional train stations.

## **Health**

The Government also wants to make sure every Victorian has access to quality healthcare close to home.

### Building better hospitals

The Government believes that begins with ensuring a strong hospital system.

Building on its existing investments, the Government will invest \$675 million to build, expand and upgrade ten community hospitals across the state, providing even more Victorians with the care they need closer to home

The Government will also build a new public hospital in Footscray that will accommodate 504 beds, easing the pressure on inner-city hospitals.

The new Footscray Hospital will be located on the campus of Victoria University, and will serve as a major tertiary and training hospital and hub, and help meet the growing demand for healthcare from local families.

The Government will also invest an additional \$10 million towards the ongoing redevelopment of Wangaratta Hospital, so local doctors and nurses can deliver the very best care.

The Government will also redevelop Frankston Hospital to accommodate 120 new beds and build a new maternity ward, obstetrics ward, women's clinic, paediatric ward and special care nursery, as well as two entire floors devoted to mental health, to meet growing demand as more young families move to Melbourne's south-eastern suburbs.

### Regional Investments

The Government will continue to invest in healthcare for regional patients, delivering 500,000 extra specialist appointments in regional communities over the next four years.

This will save Victorian patients thousands of dollars in out-of-pocket private specialist sessions and will mean regional patients no longer have to spend hours away from loved ones to access specialist care.

The Government also recognises that farmers in our rural communities are less likely to visit their GP, and more likely to face complications with injury and illness.

That's why the Government will provide an extra \$4 million to the National Centre for Farmer Health to ensure that Victorian farmers can continue to rely on the vital care they receive through the Centre. This will assist the Centre to continue its work in providing on-the-ground and immediate support to farmers in partnership with the Victorian Farmers Federation.

### Royal Commission into Mental Health

The Government recognises that mental wellbeing is just as important as physical wellbeing.

And over the course of their lifetime, at least one in two Victorians will struggle with a mental health condition.

The Government recognises that more can, and should, be done.

That's why this Government will establish a Royal Commission into Mental Health.

The first of its kind in Australia, the Commission will focus on the quality and cost of care across Victoria's healthcare system, address early intervention and addiction, and examine how the Government can better support families and mental health workers.

This builds on the Government's commitment to introduce provisional acceptance WorkCover payments for mental health injuries sustained by our emergency workers, rolling out to every Victorian worker in the next two years.

### The Very Best Start

The Government acknowledges that right now, the price of IVF makes it inaccessible for many Victorians.

The Government will invest \$32 million to help make sure more Victorians can start a family with access to low-cost, subsidised IVF services and will establish bulk-billing IVF clinics across Victoria.

The Government will also invest \$22 million to give new parents a Baby Bundle with essential baby products and information focused on safe sleeping, feeding and healthy development.

The Government will also invest \$232 million to build seven new Early Parenting Centres, refurbish two more and deliver a range of vital services to help more than 4,500 Victorian families in those critical early months and years.

And because there's nothing more important than the safety of our children, the Government will invest \$4 million to fund Neighbourhood Houses and community organisations right across Victoria to provide families free car seat fitting and safety checks.

### Backing Victorian nurses, midwives and paramedics

The Government will always support the vital role that nurses and midwives play in caring for Victorian patients, and the importance of maintaining nurse-patient ratios.

The Government has already enshrined minimum nurse and midwife to patient ratios in law, and in its second term will further strengthen these lifesaving protections.

As part of this reform, the Government will recruit 1,100 new nurses and midwives so that patients are cared for in their times of need.

The Government also wants to make sure that in an emergency, Victorians can be confident they will continue to get the fast, life-saving care they need.

The Government will respect and support the work of our paramedics with 90 new recruits, introducing 23 more ambulances on the roads and investing \$25 million to upgrade and build new ambulance stations across the state.

### **Fairness**

As the Victorian economy continues to grow, the Government wants to make sure that success is shared with every community in every corner of our state.

### Engaging with Aboriginal Victorians on Treaty

The Government recognises the importance of respecting and listening to Victoria's Aboriginal communities.

And in its second term, the Government will facilitate the first round of the Treaty Community Engagement Program to ensure the voices of Aboriginal Victorians are at the heart of the Treaty process.

### Investing in our multicultural communities

The Government believes that Victoria's multiculturalism is a pivotal part of our state's story and success.

The Government will continue to support this proud diversity, with investments to help more of our multicultural communities celebrate and share their traditions and heritage.

### Building new public housing

The Government will replace up to 2,500 old public housing properties with modern, comfortable, energy efficient and secure properties.

The Government will also invest a further \$209 million to build 1,000 new public housing properties across the state.

Recognising that family violence is a major contributor to homelessness, and that women often flee violence with their children, the Government will ensure that many of these new properties are two or three-bedroom homes that can accommodate a family

### Family Violence

The Government will also continue to meet its commitment to implement every single one of the 227 recommendations from the Royal Commission into Family Violence.

This includes doubling the number of specialist family violence financial counsellors to help more victim survivors as they rebuild their lives.

### Supporting Victoria's LGBTI communities

The Government is proud to stand with Victoria's LGBTI communities.

Understanding that LGBTI Victorians face higher rates of depression and suicide, the Government will invest in more counselling services for LGBTI Victorians and their families, including increasing mental health support through Switchboard Victoria.

### More green spaces for our communities

Our community parks are integral to bringing people together and promoting a healthy and active lifestyle.

The Government aims to make sure that every Victorian has access to quality local parks no matter where they live.

The Government has committed \$150 million to create more than 6,500 hectares of new parklands and new walking and bike trails across Victoria.

### Easing energy costs

The Government will stand up for families and for fairness, delivering new assistance to help Victorians with the cost of living.

The Government will reform Victoria's energy sector to help reduce power prices.

The reforms will enforce stronger punishments for retailers who do the wrong thing and better protections for consumers.

This builds on the Government's commitment to install solar panels for 700,000 Victorian homeowners and renters.

This investment will help Victorians save around \$890 a year on their electricity bills.

The Government will also invest in new solar hot water systems and batteries for even more households, and support the accreditation of 4,500 electricians to ensure the highest safety standards.

The Government will also increase Victoria's Renewable Energy Target to 50 per cent by 2030, creating thousands of jobs, lowering power bills and helping to protect the environment.

### Integrity of public institutions

The Government will introduce legislation to strengthen parliamentary standards, including removing the role of parliament in setting MP salaries.

The Government is also committed to improving our state's integrity and accountability system so that governments are better placed to deliver for all Victorians.

### Closing

Honourable members, I have outlined for you the Government's program for this Parliament.

It is an optimistic and positive plan, designed to meet the challenges our state faces, while demonstrating the Government's commitment to creating a better, fairer and stronger Victoria.

Although each of you comes from a different background and offers a different perspective, I trust that working together you will serve the people of Victoria with courage and conviction.

It is now my pleasure to wish you well and declare open the 59<sup>th</sup> Parliament of Victoria.

**The Honourable Linda Dessau AC**

**Governor of Victoria**

19 December 2018

A copy of the Governor's speech was then delivered to the President, and a copy to the Speaker, and the Governor withdrew from the Council Chamber.

The Legislative Assembly withdrew.

*[Sitting suspended from 2.34 p.m. until 4.06 p.m.]*

9 The President resumed the Chair.

10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

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

- **Master patient index** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 20 December 2018.

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

12 **PETITION — MELBOURNE SPORTS AND AQUATIC CENTRE** — Mr Davis presented a Petition bearing 575 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier to give administrative responsibility of the Melbourne Sports and Aquatic Centre (MSAC) to a Minister with portfolio responsibilities compatible with MSAC's statutory purposes and that the Minister direct the State Sport Centres Trust to give effect to MSAC's statutory purposes and abandon its focus on professional and elite athletes.

Ordered to lie on the Table.

13 **STATUTE LAW REVISION BILL 2018** — Mr Jennings introduced *A Bill for an Act to revise the statute law of Victoria*.

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

14 **PAPERS** —

**COUNTY COURT OF VICTORIA REPORT, 2016-17** — Ms Tierney presented, by Command of the Governor, the County Court of Victoria Report, 2016-17.

Report ordered to lie on the Table.

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**OFFICE OF THE PUBLIC ADVOCATE REPORT, 2017-18** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Office of the Public Advocate Report, 2017-18.

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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**JUDICIAL COLLEGE OF VICTORIA REPORT, 2017-18** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2017-18.

Question — put and agreed to.

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

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**VICTORIA LAW FOUNDATION REPORT, 2017-18** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2017-18.

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, 2017-18** — Mr Somyurek moved, by leave, That there be laid before this House a copy of the Visit Victoria Limited Report, 2017-18.

Question — put and agreed to.

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

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**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Pursuant to Standing Order 23.30, the Clerk laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016.

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**OMBUDSMAN — INVESTIGATION INTO ALLEGATIONS OF IMPROPER CONDUCT BY OFFICERS AT GOULBURN MURRAY WATER** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into allegations of improper conduct by officers at Goulburn Murray Water, October 2018.

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**OMBUDSMAN — INVESTIGATION INTO THE IMPRISONMENT OF A WOMAN FOUND UNFIT TO STAND TRIAL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into the imprisonment of a woman found unfit to stand trial, October 2018.

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**VICTORIAN INSPECTORATE — SPECIAL REPORT ON THE WELFARE OF WITNESSES IN IBAC INVESTIGATIONS** — Pursuant to section 87(17)(c) of the *Victorian Inspectorate Act 2011*, the Clerk laid on the Table a copy of the Victorian Inspectorate's Special Report on the Welfare of witnesses in IBAC investigations, October 2018.

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**AUDITOR-GENERAL — ANNUAL FINANCIAL REPORT OF THE STATE OF VICTORIA: 2017-18** — 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 the Annual Financial Report of the State of Victoria: 2017-18, October 2018.

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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:

Adult Parole Board of Victoria — Report, 2017-18.

Alpine Health — Report, 2017-18.

Ambulance Victoria — Report, 2017-18.

Architects Registration Board of Victoria — Minister's report of receipt of the 2017-18 report.

Auditor-General's Report on Results of 2017-18 Audits: Local Government, December 2018  
(Ordered to be published).

Australian Health Practitioner Regulation Agency — Report, 2017-18.  
 Bairnsdale Regional Health Service — Report, 2017-18.  
 Barwon Health — Report, 2017-18.  
 Beaufort and Skipton Health Service — Report, 2017-18.  
 Beechworth Health Service — Report, 2017-18.  
 Boort District Health — Report, 2017-18.  
 Calvary Health Care Bethlehem Ltd — Report, 2017-18.  
 Castlemaine Health — Report, 2017-18.  
 Central Gippsland Health Service — Report, 2017-18.  
 Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report, 2018, pursuant to section 52 of the Act.  
 Cobram District Health — Report, 2017-18.  
 Colac Area Health — Report, 2017-18.  
 Commissioner for Environmental Sustainability — Minister's report of receipt of the 2017-18 report.  
 Coroners Court of Victoria — Report, 2017-18.  
 Corryong Health — Report, 2017-18.  
 Country Fire Authority — Report, 2017-18.  
 Court Services Victoria — Report, 2017-18.  
 Development Victoria — Report, 2017-18.  
 Disability Services Commissioner — Report, 2017-18.  
 Duties Act 2000 — Treasurer's reports of —  
     Exemptions and refunds arising out of corporate consolidations for 2017-18.  
     Exemptions and refunds arising out of corporate reconstructions for 2017-18.  
     Foreign purchaser additional duty exemptions for 1 January 2018 to 30 June 2018.  
 EastLink Project Act 2004 — EastLink Fourth Amending Deed, 23 October 2018.  
 East Wimmera Health Service — Report, 2017-18.  
 Economic Development, Jobs, Transport and Resources Department — Report, 2017-18.  
 Edenhope and District Memorial Hospital — Report, 2017-18.  
 Emerald Tourist Railway Board — Report, 2017-18.  
 Emergency Services Telecommunications Authority — Report, 2017-18.  
 Energy Safe Victoria — Report, 2017-18.  
 Environment Protection Act 1970 —  
     Order in Council of 23 October 2018 for the State Environment Protection Policy (Waters), pursuant to section 18D of the Act.  
     Order in Council of 2 October 2018 varying the Waste Management Policy (Solid Fuel Heating), pursuant to section 18D of the Act.  
 Environment Protection Authority — Report, 2017-18.  
 Fed Square Pty Ltd — Report, 2017-18.  
 Fisheries Act 1995 — Report, 2017-18 on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account.  
 Game Management Authority — Report, 2017-18.  
 Gippsland Southern Health Service — Report, 2017-18.  
 Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of the 2017-18 report.  
 Greyhound Racing Victoria — Report, 2017-18.  
 Health and Human Services Department — Report, 2017-18.  
 Hepburn Health Service — Report, 2017-18.  
 Heritage Council of Victoria — Minister's report of receipt of the 2017-18 report.  
 Heywood Rural Health Service — Report, 2017-18.  
 Inglewood and Districts Health Service — Report, 2017-18.  
 Interpretation of Legislation Act 1984 — Notices pursuant to —  
     Section 32(3) in relation to —  
         State Environment Protection Policy (Waters).  
         Statutory Rule No. 149.  
         Variation of Waste Management Policy (Solid Fuel Heating).



- Section 32(4) in relation to —  
Dangerous Goods (Explosives) Regulations 2011, Dangerous Goods (Storage and Handling) Regulations 2012, Dangerous Goods (Transport by Road or Rail) Regulations 2008 and Occupational Health and Safety Regulations 2017.
- Judicial College of Victoria — Minister's report of receipt of the 2017-18 report.
- Judicial Commission of Victoria — Report, 2017-18.
- Kerang District Health — Report, 2017-18.
- Kooweerup Regional Health Service — Report, 2017-18.
- Kyabram District Health Service — Report, 2017-18.
- Kyneton District Health Service — Report, 2017-18.
- Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire an interest in land.
- Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 2017-18, under sections 3B and 3BA.
- Latrobe Regional Hospital — Report, 2017-18.
- Liquor Control Reform Act 1998 — Report, 2017-18 pursuant to section 148R by the Chief Commissioner of Victoria Police.
- Lorne Community Hospital — Report, 2017-18.
- Maldon Hospital — Report, 2017-18.
- Mallee Track Health and Community Service — Report, 2017-18.
- Mansfield District Hospital — Report, 2017-18.
- Melbourne City Link Act 1995 — Deeds of Leases in relation to the Western Link Upgrade pursuant to section 60(9) of the Act.
- Melbourne Convention and Exhibition Trust — Report, 2017-18.
- Melbourne Market Authority — Report, 2017-18.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2018 (*Ordered to be published*).
- Mental Health Act 2014 — Report, 2017-18 on Victoria's Mental Health Services, pursuant to section 118 of the Act.
- Mental Health Complaints Commissioner — Report, 2017-18.
- Metropolitan Fire and Emergency Services Board — Report, 2017-18.
- Metropolitan Waste and Resource Recovery Group — Report, 2017-18.
- Moyne Health Services — Report, 2017-18.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2017-18 report.
- Nathalia District Hospital — Report, 2017-18.
- National Health Funding Pool — Victoria State Pool Account — Report, 2017-18.
- National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2017-18.
- Office of the National Rail Safety Regulator — Report, 2017-18.
- Office of Public Prosecutions — Report, 2017-18.
- Omeo District Health — Report, 2017-18.
- Parks Victoria — Report, 2017-18.
- Parliamentary Committees Act 2003 — Government responses to the —  
Environment, Natural Resources and Regional Development Committee's Inquiry into the Management, Governance and Use of Environmental Water.  
Family and Community Development Committee's Inquiry into Perinatal Services.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —  
Alpine Resorts, Colac Otway, Corangamite, Glenelg, Moyne, Queenscliffe, Southern Grampians and Warrnambool Planning Schemes — Amendment GC113.  
Banyule Planning Scheme — Amendments C116 and C123.  
Bass Coast, Baw Baw, East Gippsland, French Island and Sandstone Island, Latrobe, South Gippsland and Wellington Planning Schemes — Amendment GC111.  
Baw Baw Planning Scheme — Amendments C113 and C130.  
Benalla Planning Scheme — Amendment C36.

Brimbank, Casey, Cardinia, Glen Eira, Greater Dandenong, Hume, Kingston, Maribyrnong, Melton, Monash, Stonnington, Whittlesea and Yarra Planning Schemes — Amendment GC96.

Brimbank, Greater Bendigo, Greater Dandenong, Hobsons Bay, Kingston, Whittlesea and Wyndham Planning Schemes — Amendment GC110.

Boroondara Planning Scheme — Amendments C268 (Part 1), C283, C300, C301 and C302.

Brimbank Planning Scheme — Amendment C188 (Part 1).

Buloke Planning Scheme — Amendment C36.

Cardinia, Casey, Greater Dandenong, Monash and Stonnington Planning Schemes — Amendment GC103.

Campaspe Planning Scheme — Amendment C110.

Cardinia Planning Scheme — Amendment C243.

Casey, Murrindindi, Swan Hill, Wangaratta and Whittlesea Planning Schemes — Amendment GC100.

Casey Planning Scheme — Amendment C232.

Darebin Planning Scheme — Amendments C164 and C165.

East Gippsland Planning Scheme — Amendments C139 and C147.

Frankston Planning Scheme — Amendment C111.

Golden Plains Planning Scheme — Amendment C75 (Part 1).

Glen Eira Planning Scheme — Amendment C149.

Glenelg Planning Scheme — Amendment C92.

Greater Bendigo Planning Scheme — Amendment C234.

Greater Dandenong Planning Scheme — Amendment C208.

Greater Geelong Planning Scheme — Amendments C343, C359 (Part 1), C378 and C385.

Greater Shepparton Planning Scheme — Amendment C204.

Hepburn Planning Scheme — Amendment C72.

Hobsons Bay Planning Scheme — Amendments C88, C112 and C122.

Horsham Planning Scheme — Amendment C75.

Hume Planning Scheme — Amendments C217, C218, C221, C224, C229 and C232.

Kingston Planning Scheme — Amendment C176.

Knox Planning Scheme — Amendments C142, C160 and C165.

Latrobe Planning Scheme — Amendments C104, C111 and C112.

Maribyrnong Planning Scheme — Amendments C151 and C152.

Maroondah Planning Scheme — Amendments C96, C97, C104 and C117.

Melbourne and Port Phillip Planning Schemes — Amendment GC81.

Melbourne Planning Scheme — Amendments C301, C304, C327, C341, C345 and C346.

Melton Planning Scheme — Amendments C171 and C191.

Mildura Planning Scheme — Amendment C100 (Part 1).

Mitchell Planning Scheme — Amendment C117 (Part 2).

Mitchell and Whittlesea Planning Schemes — Amendment GC108.

Monash Planning Scheme — Amendments C140, C144 and C147.

Moonee Valley Planning Scheme — Amendments C148, C186, C196, C197, C198 and C199.

Moorabool Planning Scheme — Amendments C79 and C81.

Moreland Planning Scheme — Amendments C160 and C175.

Mornington Peninsula Planning Scheme — Amendment C250.

Mount Alexander Planning Scheme — Amendments C84, C85 and C86.

Port Phillip Planning Scheme — Amendments C122, C149 and C151.

Pyrenees Planning Scheme — Amendment C43.

Southern Grampians Planning Scheme — Amendment C36.

Stonnington Planning Scheme — Amendments C223, C270, C277 and C284.

Victorian Planning Provisions — Amendments VC147, VC149, VC150, VC152, VC153, VC154 and VC155.

- Wellington Planning Scheme — Amendment C104.
- Whitehorse Planning Scheme — Amendment C194.
- Whittlesea Planning Scheme — Amendments C113, C212, C221 and C231.
- Wyndham Planning Scheme — Amendment C222.
- Yarra Planning Scheme — Amendments C188, C232, C236, C244, C248, C249 and C250.
- Yarra Ranges Planning Scheme — Amendments C142, C169, C179 and C180.
- Post Sentence Authority — Report, 2017-18.
- Professional Standards Council of Victoria — Report, 2017-18.
- Queen Elizabeth Centre — Report, 2017-18.
- Regional Development Victoria — Report, 2017-18.
- Rochester and Elmore District Health Service — Report, 2017-18.
- Royal Children's Hospital — Report, 2017-18.
- Rural Northwest Health — Report, 2017-18.
- Sentencing Advisory Council — Report, 2017-18.
- South Gippsland Hospital — Report, 2017-18.
- State Sport Centres Trust — Report, 2017-18.
- State Trustees Limited — Report, 2017-18.
- Statutory Rules under the following Acts of Parliament —
  - Building Act 1993 — Nos. 149 and 180.
  - Children, Youth and Families Act 2005 — Nos. 147 and 185.
  - Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 186.
  - Children, Youth and Families Act 2005 — Family Violence Protection Act 2008 — No. 169.
  - County Court Act 1958 — Nos. 170 and 172.
  - Crimes (Controlled Operations) Act 2004 — No. 160.
  - Dangerous Goods Act 1985 — No. 155.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 178.
  - Environment Protection Act 1970 — No. 146.
  - Family Violence Protection Act 2008 — Nos. 136 and 161.
  - Gas Safety Act 1997 — Nos. 140 and 141.
  - Heavy Vehicle National Law Application Act 2013 — No. 165.
  - Labour Hire Licensing Act 2018 — No. 179.
  - Liquor Control Reform Act 1998 — No. 153.
  - Livestock Disease Control Act 1994 — No. 171.
  - Magistrates' Court Act 1989 — Nos. 151, 158, 159 and 167.
  - Magistrates' Court Act 1989 — Family Violence Protection Act 2008 — No. 182.
  - Major Crime (Investigative Powers) Act 2004 — No. 173.
  - Metropolitan Fire Brigades Act 1958 — No. 163.
  - National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 — No. 138.
  - Oaths and Affirmations Act 2018 — No. 152.
  - Occupational Health and Safety Act 2004 — No. 176.
  - Owners Corporations Act 2006 — No. 154.
  - Planning and Environment Act 1987 — No. 156.
  - Prevention of Cruelty to Animals Act 1986 — No. 144.
  - Public Administration Act 2004 — No. 143.
  - Public Health and Wellbeing Act 2008 — No. 148.
  - Public Interest Monitor Act 2011 — No. 184.
  - Retirement Villages Act 1986 — No. 188.
  - Road Safety Act 1986 — No. 181.
  - Sentencing Act 1991 — No. 162.
  - Service Victoria Act 2018 — No. 192.
  - Subordinate Legislation Act 1994 — Nos. 137, 139 and 191.
  - Supreme Court Act 1986 — Nos. 135 and 168.
  - Surveillance Devices Act 1999 — No. 174.

- Survey Co-ordination Act 1958 — No. 190.  
 Surveying Act 2004 — No. 189.  
 Terrorism (Community Protection) Act 2003 — No. 183.  
 Transport Accident Act 1986 — No. 177.  
 Transport (Compliance and Miscellaneous) Act 1983 — Nos. 150 and 157.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 187.  
 Victorian Energy Efficiency Target Act 2007 — Nos. 145 and 175.  
 Voluntary Assisted Dying Act 2017 — No. 142.  
 Wildlife Act 1975 — No. 164.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in relation to Orders under the Occupational Health and Safety Act 2004 approving the —
    - Managing asbestos in workplaces compliance code.
    - Prevention of falls in general construction compliance code.
    - Prevention of falls in housing construction compliance code.
    - Removing asbestos in workplaces compliance code.
  - Documents under section 15 in respect of Statutory Rule Nos. 117, 122 to 129, 136, 138 to 144, 146 to 174 and 176 to 192.
  - Legislative instruments and related documents under section 16B in respect of —
    - Amendment of 14 July 2018 of the Code of Practice for the Operation of Pet Shops under the Domestic Animals Act 1994.
    - Child Safe Standards of 2 October 2018 under the Child Wellbeing and Safety Act 2005.
    - Electricity Safety Act 1998 — Orders under section 120W to exempt —
      - AusNet Electricity Services Pty Ltd from complying with section 120M, dated 23 October 2018 and 30 October 2018.
      - Powercor Australia Limited from complying with section 120M, dated 30 October 2018.
    - Declaration of 25 September 2018 of the dingo to be unprotected wildlife in certain areas of Victoria under the Wildlife Act 1975.
    - Family Violence Risk Assessment and Risk Management Framework of 17 September 2018 under the Family Violence Protection Act 2008.
    - Identity Verification Standards 2018 of 11 October 2018 under the Service Victoria Act 2018.
    - Meat Industry Act 1993 —
      - Determining categories and fixing fees for game meat processing facility licences, 16 October 2018.
      - Fixing fees for approval of game meat field harvesters, 16 October 2018.
    - Ministerial Direction of 10 September 2018 for self-exclusion programs under the Gambling Regulation Act 2003.
    - Ministerial Order of 2 October 2018 amending the declaration of the feral or wild population of the cat as an established pest animal on specified crown land under the Catchment and Land Protection Act 1994.
    - Minister's Notice of 22 October 2018 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration under the City of Greater Geelong Act 1993.
    - Minister's Notice of 22 October 2018 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration under the City of Melbourne Act 2001.
    - Practitioner Remuneration Order, Including Amendments commencing 1 January 2019 under the Legal Profession Uniform Law Application Act 2014.
  - Surveyors Registration Board of Victoria — Minister's report of receipt of the 2017-18 report.
  - Sustainability Victoria — Report, 2017-18.
  - Tallangatta Health Service — Report, 2017-18.
  - Taxi Services Commission — Report, 2017-18.
  - Terang and Mortlake Health Service — Report, 2017-18.

Trust for Nature (Victoria) — Report, 2017-18.  
 Tweddle Child and Family Health Service — Report, 2017-18.  
 V/Line Corporation — Report, 2017-18.  
 VicForests — Report, 2017-18.  
 Victoria Legal Aid — Report, 2017-18.  
 Victoria State Emergency Service Authority — Report, 2017-18.  
 Victorian Building Authority — Report, 2017-18.  
 Victorian Budget Update — 2018-19.  
 Victorian Civil and Administrative Tribunal — Report, 2017-18.  
 Victorian Environmental Assessment Council — Report, 2017-18.  
 Victorian Environmental Assessment Council Act 2001 — Statement of amendment of the Government response to the Victorian Environmental Assessment Council's River Red Gum Forests Investigation, Final Report, July 2008, pursuant to section 26(4) of the Act.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2017-18 (*Ordered to be published*).  
 Victorian Fisheries Authority — Report, 2017-18.  
 Victorian Health Promotion Foundation — Report, 2017-18.  
 Victorian Institute of Forensic Medicine — Report, 2017-18.  
 Victorian Law Reform Commission — Report, 2017-18 (*Ordered to be published*).  
 Victorian Multicultural Commission — Report, 2017-18.  
 Victorian Plantations Corporation — Report, 2017-18.  
 VITS LanguageLoop — Report, 2017-18.  
 Western District Health Service — Report, 2017-18.  
 West Gippsland Healthcare Group — Report, 2017-18.  
 Witness Protection Act 1991 — Report 2017-18 pursuant to section 20R by Victoria Police.  
 Yarram and District Health Service — Report, 2017-18.  
 Yarrawonga Health — Report, 2017-18.  
 Yea and District Memorial Hospital — Report, 2017-18.  
 Zoological Parks and Gardens Board — Report, 2017-18.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018 — Sections 46 to 49, 54, 61 to 64 and Part 6 (except section 85) — 15 October 2018 (*Gazette No. S466, 10 October 2018*).

Emergency Management Legislation Amendment Act 2018 — Sections 84 to 88 and 90 — 17 October 2018 (*Gazette No. S480, 16 October 2018*).

Electricity Safety Amendment (Electrical Equipment Safety Scheme) Act 2018 — Whole Act — 1 April 2019 (*Gazette No. S517, 30 October 2018*).

Justice Legislation Amendment (Access to Justice) Act 2018 — Part 2 and Divisions 1 to 3 of Part 10 — 7 December 2018 — Part 5 — 14 December 2018 (*Gazette No. S497, 23 October 2018*) — Division 4 of Part 6 and Section 41 — 1 November 2018 (*Gazette No. S517, 30 October 2018*).

Justice Legislation Amendment (Terrorism) Act 2018 — Remaining provisions — 30 November 2018 (*Gazette No. S497, 23 October 2018*).

Justice Legislation Miscellaneous Amendment Act 2018 — Part 2, Sections 8, 9, 11, 12 and 14, Divisions 2 and 3 of Part 4, Divisions 3 to 7 of Part 5, Part 6, Division 2 of Part 7 and Parts 8 to 13 of the Remaining provisions of Part 14 — 28 October 2018 — Remaining provisions of Part 3 and Divisions 1 and 2 of Part 5 — 3 March 2019 (*Gazette No. S480, 16 October 2018*).

Liquor and Gambling Legislation Amendment Act 2018 — Remaining provisions — 11 October 2018 (*Gazette No. S466, 10 October 2018*).

Long Service Benefits Portability Act 2018 — Parts 1, 5 and 8 — 1 November 2018 (*Gazette No. S497, 23 October 2018*).

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Part 2.3 — 29 October 2018 (*Gazette No. S480, 16 October 2018*).

Victims and Other Legislation Amendment Act 2018 — Parts 1, 4 and 5 — 29 October 2018 — Part 6 — 31 December 2018 (*Gazette No. S480, 16 October 2018*).

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A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Part 8 — 3 October 2018 (*Gazette No. S456, 2 October 2018*).

**15 RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that he, accompanied by Members of the Council, had presented himself to the Governor as the choice of the Legislative Council, and that the Governor had addressed him as follows:

President

I have pleasure in congratulating you on your election to the high and distinguished office of President of the Legislative Council.

The able manner in which you have discharged the duties you have undertaken during your Parliamentary career is recognised by the Members of the Legislative Council who in their wisdom have selected you as their President.

I have confidence that you will fulfill the duties of this important office and hold fast to its traditions and customs.

Linda Dessau  
Governor of Victoria

Melbourne

19 December 2018

**16 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE SHAUN LEANE  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria on this 19<sup>th</sup> day of December 2018

LINDA DESSAU  
Governor

(L.S.)

By Her Excellency's Command  
DANIEL ANDREWS MP  
Premier

**17 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 5 February 2019.

Question — put and agreed to.

**18 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Jennings moved, by leave, That Mr Gepp, Mrs McArthur, Ms Patten and Ms Taylor be members of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

**19 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The President reported the Speech of the Governor on the Opening of Parliament.

Ms Taylor moved, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR:

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Ms Vaghela seconded the motion.

Debate ensued.

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

**20 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.08 p.m., adjourned until Tuesday, 5 February 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 2 and 3

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#### No. 2 — Tuesday, 5 February 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE JAMES EDMUND MCCABE** — The President advised the House of the death on 24 January 2019 of Mr James Edmund McCabe, Member of the Legislative Assembly for the Electoral District of Lowan from 1964 to 1967 and 1970 to 1979.

Members stood in their places as a mark of respect to the memory of the late Mr McCabe.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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:

- **Royal children's hospital environmental monitoring system** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 7 February 2019.
- **Animal activist law enforcement** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 7 February 2019.
- **Pill testing** — substantive question asked by Dr Ratnam — response from Ms Mikakos due Wednesday, 6 February 2019.

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

- 5 **ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Nazih ELASMAR  
Mr Cesar MELHEM  
Mr Jeff BOURMAN  
Ms Fiona PATTEN

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on Tuesday, 5 February 2019.

SHAUN LEANE  
President of the Legislative Council

- 6 **SPENT CONVICTIONS BILL 2019** — Ms Patten introduced *A Bill for an Act to limit the effect of a person's conviction for certain offences if the person remains offence free for a certain period, including prohibiting the disclosure of that conviction and for other purposes.*

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

- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CANNABIS REGULATION) BILL 2019** — Ms Patten introduced *A Bill to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for legal access to cannabis, to control and regulate the cultivation, manufacture and supply for that purpose, to prevent young persons from accessing cannabis, to protect public health and public safety by establishing strict product safety and product quality requirements, to deter criminal activity by imposing serious criminal offences for persons operating outside the legal framework, to reduce the burden on the criminal justice system in relation to cannabis and for other purposes.*

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

**8 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 1 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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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:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Commissioner for Environmental Sustainability Victoria — Report, 2017-18.

Dhelkunya Dja Land Management Board — Minister's report of failure to submit 2017-18 report, together with an explanation for the delay.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Independent Review Panel — Report on the Gaming Machines Licensing Process: Allocation, 23 October 2018, pursuant to section 10.2A.11 of the *Gambling Regulation Act 2003* (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 155/2018.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2017-18.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Murray-Darling Basin Act 1993 — Amendments to Schedule 1 of the Murray Darling Basin Agreement, pursuant to section 28(b) of the Act.

North East Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contribution Levies — Report, 2017-18, pursuant to section 46GZJ of the Act.

Notices of Approval of the following amendments to planning schemes —

Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga Planning Schemes — Amendment GC114.

Cardinia Planning Scheme — Amendments C231 and C252.

Casey, Hume and Mitchell Planning Schemes — Amendment GC116.  
 Casey Planning Scheme — Amendments C221(Part 1) and C228.  
 Glenelg Planning Scheme — Amendment C89.  
 Greater Geelong Planning Scheme — Amendment C368.  
 Hume Planning Scheme — Amendments C207 and C208.  
 Kingston Planning Scheme — Amendments C181 and C182.  
 Loddon Planning Scheme — Amendment C40.  
 Macedon Ranges Planning Scheme — Amendment C124.  
 Mitchell and Whittlesea Planning Schemes — Amendment GC55.  
 Moira Planning Scheme — Amendment C87.  
 Moorabool Planning Scheme — Amendment C90.  
 Moreland Planning Scheme — Amendment C173.  
 Mornington Peninsula Planning Scheme — Amendment C215.  
 Mount Alexander Planning Scheme — Amendment C82.  
 Murrindindi Planning Scheme — Amendment C62.  
 Port Phillip Planning Scheme — Amendments C154 and C159.  
 Stonnington Planning Scheme — Amendment C288.  
 Warrnambool Planning Scheme — Amendment C200.  
 Whitehorse Planning Scheme — Amendment C214.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 3.

Gambling Regulation Act 2003 — No. 1.

Subordinate Legislation Act 1994 — No. 2.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Minister's determination of the conditions contained in the Victorian Fares and Ticketing Manual, under the Transport (Compliance and Miscellaneous) Act 1983, dated 18 December 2018.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of failure to submit 2017-18 report, together with an explanation for the delay.

**9 SITTING OF THE COUNCIL** — Mr Jennings moved, by leave, That so much of Standing Orders, and Sessional Orders if any, be suspended to the extent necessary to enable —

- (1) the sitting of the Council on Wednesday, 6 February 2019, to commence **at 9.30 a.m.** and that the order of business on that day will be —
  - (a) Messages;
  - (b) Formal Business;
  - (c) Members' Statements (up to 15 Members);
  - (d) General Business;
  - (e) **At 12.00 noon** Questions;
  - (f) Answers to Questions on Notice;
  - (g) Constituency Questions;
  - (h) General Business (until 4.00 p.m.);
  - (i) **At 4.00 p.m.** Government Business;
  - (j) **At 6.30 p.m.** Adjournment (up to 20 Members);
- (2) the Leader of the Government to move the Black Saturday anniversary motion, without leave or notice; and
- (3) Members who have not yet made their inaugural speeches to speak on the Black Saturday anniversary motion without that speech being considered their inaugural speech.

Question — put and agreed to.

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 February 2019 —

- (1) Order of the Day made this day, second reading of the Spent Convictions Bill 2019;
- (2) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to Government briefing books;

- (3) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to electricity supply advice;
- (4) Notice of Motion given this day by Mr Davis in relation to electricity supply cuts, blackouts and brownouts; and
- (5) Notice of Motion given this day by Mr Davis in relation to a reference to the Economy and Infrastructure Committee relating to the impact of taxi legislation.

Question — put and agreed to.

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

**12 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018*).

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

**13 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 6.34 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

### No. 3 — Wednesday, 6 February 2019

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

**2 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and for other purposes* and requesting the agreement of the Council.

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

**3 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Protected Disclosure Act 2012, the Independent Broad-based Anti-corruption Commission Act 2011, the Victorian Inspectorate Act 2011, the Public Interest Monitor Act 2011, the Ombudsman Act 1973 and the Parliamentary Committees Act 2003 and make consequential amendments to other Acts to make Victoria's integrity and accountability system clearer and more efficient and to otherwise improve its operation 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 Crozier (for Mr O'Donohue), the debate was adjourned for one week.

**4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Judicial Entitlements Act 2015 — Attorney-General's recommendation statement to the 2018 Own Motion Recommendation Report of the Judicial Entitlements Panel, pursuant to section 34 of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — January 2019 and Summary of Variations notified between 24 September 2018 and 4 February 2019 (*Ordered to be published*).

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

Banyule Planning Scheme — Amendment C151.

Bayside Planning Scheme — Amendment C153.

Greater Geelong Planning Scheme — Amendment C376 (Part 1).

Hobsons Bay Planning Scheme — Amendment C116 (Part 1).

Melbourne Planning Scheme — Amendment C348.

Mitchell Planning Scheme — Amendment C120.

Monash Planning Scheme — Amendment C129 (Part 2).

Port Phillip Planning Scheme — Amendment C157.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 2 and 3.

**5 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 February 2019.

Question — put and agreed to.

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

**7 SPENT CONVICTIONS 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 PRODUCTION OF DOCUMENTS — GOVERNMENT BRIEFING BOOKS** — Mr Davis moved, That, in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by Tuesday, 5 March 2019, copies of the Government briefing books provided to incoming Ministers by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet following the 24 November 2018 State Election.

Debate ensued.

Dr Ratnam moved, as an amendment, That all the words after "Tuesday, 5 March 2019," be **omitted** with the view of **inserting** in their place "copies of the briefing books prepared by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet for the incoming government following the 24 November 2018 State Election, including the red, blue and green briefing books."

Debate ensued.

Question — That the amendment moved by Dr Ratnam be agreed to — put and negatived.

Original question — put and agreed to.

**9 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019** — Mr Davis moved, That this House —

(1) notes the statement by the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, broadcast on 3AW on 24 January 2019, that "we are absolutely confident" the state's power supplies would hold up during hot weather on 24 and 25 January 2019; and

(2) requires the Leader of the Government, in accordance with Standing Order 11.01, to table by 2.00 p.m. on Wednesday, 20 February 2019, a copy of all documents provided to the Premier, Treasurer, Minister for Energy, Environment and Climate Change, Minister for Small Business, Minister for Health or Minister for Disability, Ageing and Carers or their

relevant departments during 2018 or 2019, containing advice, briefing or assessment on Victorian power supplies for January and February 2019, or other advice on future power supplies relevant to this period from the Australian Energy Market Operator, energy generators or distributors or any Department or agency of the Victorian Government.

Debate ensued.

Question — put and agreed to.

**10 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES** — Mr Finn (for Mr Davis) moved, That this House notes —

- (1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;
  - (2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;
- and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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:

- **Aussie Farms charities status** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 7 February 2019.
- **Pill testing** — substantive question asked by Ms Patten — response from Ms Mikakos due Thursday, 7 February 2019.
- **AGL Crib Point gas import facility** — substantive question asked by Mr Hayes — response from Ms Symes due Thursday, 7 February 2019.

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

**13 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES** — Debate continued on the question, That this House notes —

- (1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;
  - (2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;
- and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

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

*(Tellers: Ms Bath and Mr Finn)*

## NOES, 26

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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 Vaghela.

(Tellers: Mr Bourman and Mr Dalidakis)

Question negatived.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 18, and Order of the Day, General Business, No. 2, be postponed until the next day of meeting.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 10, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**16 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018*).

**17 10<sup>TH</sup> ANNIVERSARY OF THE 2009 VICTORIAN BUSHFIRES** — Mr Jennings moved, That this House expresses its deepest sorrow on the eve of the 10<sup>th</sup> Anniversary of the 2009 Victorian Bushfires.

Together, we mourn the 173 lives that were lost and we acknowledge the families and communities that will never be whole again.

No words can ever heal those wounds or mend those hearts.

But just as we remember that darkest of chapters, we also pay tribute to those who went above and beyond.

We remember the emergency workers who put themselves in harm's way to save lives and protect communities.

The tireless volunteers who helped our state to recover and rebuild.

And those who gave what they could - because that's what Australians do.

It was in those unspeakably hard moments that we saw our nation's spirit at its best.

Ten years on, we remember that example.

We pay tribute to the strength of those communities.

And we promise to never forget those who were lost.

And we mourn the losses that are still felt by every Victorian.

Debate ensued.

Question — put and agreed to.

Members stood in their places as a mark of respect in recognition of the 10<sup>th</sup> anniversary of the 2009 Victorian bushfires.

*Business having been interrupted at 6.30 p.m. pursuant to an Order of the Council on 5 February 2019 —*

**18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.02 p.m., adjourned until Tuesday, 19 February 2019.

ANDREW YOUNG  
Clerk of the Legislative Council







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 4, 5 and 6

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#### No. 4 — Tuesday, 19 February 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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:

- **Public register of sex offenders** — substantive question asked by Mr Grimley — response from Ms Tierney due Thursday, 21 February 2019.
- **DanceWize drug use counselling** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 21 February 2019.
- **Levy to fund taxi licence compensation** — supplementary question asked by Mr Barton — response from Mr Jennings due Thursday, 21 February 2019.
- **Local government curbside recycling** — supplementary question asked by Mr Davis — response from Mr Somyurek due Wednesday, 20 February 2019.

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

#### 4 **PAPERS** —

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT, 2018** — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2018.

Question — put and agreed to.

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

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 2 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders of 8 February 2019 giving approval to the granting of leases at —

Albert Park and Middle Park Sports Club Incorporated.

Albert Park South Melbourne Rowing Club Incorporated.

Albert Park Yacht Club Incorporated.

- Albert Sailing Club Incorporated.  
 Harry Trott Association Incorporated.  
 Middle Park Bowling Club Incorporated.  
 Middle Park Football Club Incorporated.  
 The Carmelite (Middle Park) Tennis Club Inc.  
 The Scout Association of Australia Victorian Branch.
- Parliamentary Committees Act 2003 — Government response to the Family and Community Development Committee's Report on the Inquiry into Perinatal Services.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Boroondara Planning Scheme — Amendment C287.
  - Brimbank Planning Scheme — Amendment C203.
  - Latrobe Planning Scheme — Amendment C106 (Part 2).
  - Maribyrnong Planning Scheme — Amendment C143.
  - Melbourne Planning Scheme — Amendment C342.
  - Melton Planning Scheme — Amendment C188.
  - Nillumbik Planning Scheme — Amendment C116.
  - Northern Grampians Planning Scheme — Amendment C31 (Part 1).
  - South Gippsland Planning Scheme — Amendment C117.
  - Wellington Planning Scheme — Amendment C100.
  - Yarra Ranges Planning Scheme — Amendment C149.
- Statutory Rules under the following Acts of Parliament —
- County Court Act 1958 — No. 7.
  - Oaths and Affirmations Act 2018 — Nos. 4 and 5.
  - Unclaimed Money Act 2008 — No. 6.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rules Nos. 145/2018, 175/2018, 1, 6 and 7.
  - Legislative Instrument and related documents under section 16B in respect of Ticket-In Ticket-Out (TITO) and Card Based Cashless (CBC) Gaming in Gaming Venues – Technical Standards Version 1.0, dated 21 January 2019.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:  
 Children Legislation Amendment (Information Sharing) Act 2018, Sections 10, 13 and 14 — 12 February 2019 (*Gazette No. S37, 12 February 2019*).

- 5 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 20 February 2019 —
- (1) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to the Toorak Road, Kooyong Level Crossing Removal Project;
  - (2) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to the West Gate Tunnel Project;
  - (3) Notice of Motion No. 14, standing in the name of Mr Bourman referring a matter to the Legal and Social Issues Committee relating to non-lethal self-defence;
  - (4) Notice of Motion No. 18, standing in the name of Mr Davis in relation to a reference to the Economy and Infrastructure Committee relating to the impact of taxi legislation; and
  - (5) the notice of motion given this day by Mr Davis providing references to certain joint committees.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018*).

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 10, be postponed until later this day.

**9 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

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

**10 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 7.06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 5 — Wednesday, 20 February 2019

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

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Professional Learning for School Teachers, February 2019  
(*Ordered to be published*).

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed, pursuant to section 15B(5) of the Act.

CityLink Leases Amending Deed, pursuant to section 60(9) of the Act.

Exhibition Street Extension Eighteenth Amending Deed, pursuant to section 15D(6) of the Act.

Fourth Deed Amending Master Security Deed, pursuant to section 15(2) of the Act.

Melbourne City Link Thirty-seventh Amending Deed, pursuant to section 15(2) of the Act.

Ombudsman — VicRoads complaints, February 2019 (*Ordered to be published*).

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

**4 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until the next day of meeting.

**5 PRODUCTION OF DOCUMENTS — TOORAK ROAD, KOOYONG LEVEL CROSSING REMOVAL PROJECT** — Mr Davis moved, That in accordance with Standing Order 11.01, this House requires there to be tabled in the Council by 12.00 noon on Tuesday, 19 March 2019, a copy of all documents created or referred to by the Andrews Labor Government relating to the Toorak Road, Kooyong Level Crossing Removal Project, including but not limited to —

- (1) assessments of design options for removing either or both of the nearby Tooronga Road and Glenferrie Road level crossings, including simultaneously or at a later stage;
- (2) reports or assessments of all and any consultation with relevant local councils and communities regarding design options;
- (3) hydrological, engineering and design advice relating to design options; and
- (4) sound and vibration attenuation studies, overshadowing impacts on neighbouring properties and assessments of required vegetation removal relating to the Government's preferred design.

Debate ensued.

Question — put and agreed to.

**6 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — Mr Davis moved,  
That this House —

- (1) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Tuesday, 5 March 2019, a copy of all documents in full, signed by or on behalf of the Government of Victoria, concerned with or relating to the West Gate Tunnel Project, including but not limited to —
  - (a) the West Gate Tunnel Project agreement, without redactions;
  - (b) any other contract, agreement or treaty signed by the current Government with Transurban PL or any member of the Transurban WGT Co Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matters under the *Melbourne City Link Act 1995* or which would seek to later vary tolling arrangements under the *Melbourne City Link Act 1995*; and
- (2) notes that, pursuant to section 15(3) of the *Melbourne City Link Act 1995*, either House of Parliament may revoke a variation of the agreement.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

\* \* \* \* \*

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

- **Wallington TLC aged care facility – environmental concerns** — substantive question asked by Mr Meddick — response from Mr Jennings due Friday, 22 February 2019.
- **Yarraville station level crossing – child safety** — substantive question asked by Dr Cumming — response from Ms Pulford due Friday, 22 February 2019.
- **Regulation of sex work** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Somyurek due Friday, 22 February 2019.
- **Dental vans in schools** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 21 February 2019.

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

**9 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019** — The Clerk laid on the Table two documents and a letter from the Attorney-General, dated 20 February 2019, in response to the Resolution of the Council of 6 February 2019 relating to Victorian power supplies, noting that the Government has not been able to fully assess the remaining documents falling within the scope of the Order and that a final response would be provided as soon as possible.

**10 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — Debate continued on the question, That this House —

- (1) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Tuesday, 5 March 2019, a copy of all documents in full, signed by or on behalf of the Government of Victoria, concerned with or relating to the West Gate Tunnel Project, including but not limited to —
  - (a) the West Gate Tunnel Project agreement, without redactions;
  - (b) any other contract, agreement or treaty signed by the current Government with Transurban PL or any member of the Transurban WGT Co Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matters under the *Melbourne City Link Act 1995* or which would seek to later vary tolling arrangements under the *Melbourne City Link Act 1995*; and
- (2) notes that, pursuant to section 15(3) of the *Melbourne City Link Act 1995*, either House of Parliament may revoke a variation of the agreement.

Question — put and agreed to.

**11 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — NON-LETHAL SELF-DEFENCE** — Mr Bourman moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 13 August 2019, on the effects of allowing suitable people in the community to obtain and use items designed for non-lethal self-defence in the wake of a number of random attacks on women, resulting in their murder.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 6

Mr Barton; Mr Bourman; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty.  
(*Tellers: Mr Barton and Mr Quilty*)

NOES, 33

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; 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; 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 O'Donohue and Ms Terpstra*)

Question negatived.

**12 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — TAXI LICENCE COMPENSATION** — Mr Davis moved, That this House —

- (1) notes the *Commercial Passenger Vehicle Industry Act 2017* came into operation on 2 July 2018;
- (2) accepts this legislation is now in operation and that ride sharing services are a legitimate part of the economy;
- (3) further notes that —
  - (a) on 9 October 2017, long-held taxi licences effectively became worthless and the Andrews Labor Government began issuing licences for the nominal fee of \$52.90 and tens of thousands of licences have since been issued;
  - (b) the Andrews Labor Government paid completely inadequate compensation of \$100,000 per licence for the first licence and \$50,000 each per licence for three subsequent licences to a maximum of \$250,000;
  - (c) the so-called 'fairness fund' was poorly administered, as noted by the Ombudsman, and did not provide adequate or fair support for the many cases of severe hardship;
- (4) further accepts that the High Court has found that taxi licences operating in Victoria prior to the *Commercial Passenger Vehicle Industry Act 2017* coming into operation were property and that the removal of property by the action of government where the value of compensation was substantially less than the actual value of those property is unjust and wrong; and
- (5) requires that the Economy and Infrastructure Committee meet within 14 days of its establishment to review the Government's processes, decisions and payment mechanisms, and subsequently report within four months after the Committee first meets on the impact on asset holders and their families, including their health and wellbeing, and on what further compensation is justified to fairly make up for the government driven destruction of lawful assets.

Debate ensued.

Mr Barton moved, as amendments —

1. **Omit** all the words in paragraph (3)(a) and **insert** in their place "the Andrews Labor Government began issuing licences for the nominal fee of \$52.90 and at 31 January 2019 licences issued increased to 11,807 taxi licences and 50,152 hire car licences;"
2. In paragraph (3)(b) **omit** the words "completely inadequate".
3. In paragraph (3)(b) after the words "maximum of \$250,000" **insert** the words "and a one dollar levy per trip was raised, to cover transition cost".

4. **Omit** all the words in paragraph (3)(c) and **insert** in their place “the ‘fairness fund’ was established to support the many cases of severe hardship;”.
5. **Omit** all the words in paragraph (4) and **insert** in their place “acknowledges that the High Court has found taxi licences to be property; and”.
6. **Omit** all the words in paragraph (5) and **insert** in their place “requires that the Economy and Infrastructure Committee meet within 14 days of its establishment to review the Government’s CPV (Commercial Passenger Vehicle) reforms, and subsequently report within six months after the Committee first meets regarding the operation of the CPV reforms and investigate further reforms to ensure Victorians benefit from the best functioning CPV industry possible.”.

Debate ensued.

Question — That the amendments moved by Mr Barton be agreed to — put and agreed to.

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

- (1) notes the *Commercial Passenger Vehicle Industry Act 2017* came into operation on 2 July 2018;
- (2) accepts this legislation is now in operation and that ride sharing services are a legitimate part of the economy;
- (3) further notes that —
  - (a) the Andrews Labor Government began issuing licences for the nominal fee of \$52.90 and at 31 January 2019 licences issued increased to 11,807 taxi licences and 50,152 hire car licences;
  - (b) the Andrews Labor Government paid compensation of \$100,000 per licence for the first licence and \$50,000 each per licence for three subsequent licences to a maximum of \$250,000 and a one dollar levy per trip was raised, to cover transition cost;
  - (c) the ‘fairness fund’ was established to support the many cases of severe hardship;
- (4) acknowledges that the High Court has found taxi licences to be property; and
- (5) requires that the Economy and Infrastructure Committee meet within 14 days of its establishment to review the Government’s CPV (Commercial Passenger Vehicle) reforms, and subsequently report within six months after the Committee first meets regarding the operation of the CPV reforms and investigate further reforms to ensure Victorians benefit from the best functioning CPV industry possible — put and agreed to.

**13 JOINT INVESTIGATORY COMMITTEE REFERENCES** — Mr Davis moved, That when the joint investigatory committees are established, pursuant to section 33 of the *Parliamentary Committees Act 2003* this House requires the following matters to be referred to the joint investigatory committee specified —

- (1) to the **Family and Community Development Committee** to inquire into, consider and report, within twelve months of the Committee’s first meeting, on the safety of Victorian hospitals and health services, including what regulatory, industry and practical steps should be taken to ensure that Victoria’s hospitals and health services are the safest in the world;
- (2) to the **Economic, Education, Jobs and Skills Committee** to inquire into, consider and report within twelve months of the Committee’s first meeting, on the impact of mobile phones and electronic devices, including the range of games available, on the learning and health of Victoria’s children, including, but not limited to, whether the use of mobile devices in classrooms is beneficial or detrimental and whether state-wide policy should be implemented;
- (3) to the **Law Reform, Road and Community Safety Committee** to inquire into, consider and report on the impact of mobile phones and electronic devices on road safety and whether the evidence supports, or not, additional regulation of road users and pedestrians; and
- (4) to the **Environment, Natural Resources and Regional Development Committee** to meet formally within two weeks of its establishment to inquire into, consider and provide a final report within twelve months of the Committee’s first meeting and provide any urgent

interim reports that the Committee deems necessary on the impact of the crisis in municipal and industrial recycling and waste management, in particular to examine the serious issues Victoria, Victorian municipal councils, communities and families are facing following the withdrawal of earlier recycling options, including decisions announced by the Chinese Government in July 2018 and including, but not limited to, the Government's management of the Municipal and Industrial Landfill Levy and the associated sustainability fund.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs McArthur.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.45 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 6 — Thursday, 21 February 2019

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

**2 ACTING PRESIDENT** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Mark GEPP

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 21 February 2019.

SHAUN LEANE  
President of the Legislative Council

**3 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2019** — Dr Ratnam introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes.*

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

**4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Emergency Services Superannuation Act 1986 — Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2018.

Parliamentary Committees Act 2003 — Government response to the Economic, Education, Jobs and Skills Committee's Report on the Inquiry into career advice activities in Victorian schools.

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

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day No.1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

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

**8 STATUTE LAW REVISION BILL 2018** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings 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 two weeks.

**9 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — 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.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**FREE TAFE BUDGETED ENROLMENTS** — Ms Tierney having given answers to a question without notice and supplementary question relating to Free TAFE budgeted enrolments —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice 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:

- **VEAC draft report – central west public land** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Monday, 25 February 2019.
- **Free TAFE budgeted enrolments** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Tierney due Friday, 22 February 2019.

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

**12 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — 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.

**13 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) 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 O'Donohue 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 without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 5 March 2019.

Question — put and agreed to.



- 15 STATUTE LAW REVISION BILL 2018** — Mr Jennings, moved, by leave, That the Statute Law Revision Bill 2018 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Question — put and agreed to.

- 16 SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Jacinta Collins.

- 17 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fair Work (Commonwealth Powers) Act 2009 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 Ms Crozier (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977, the Confiscation Act 1997, the Corrections Act 1986, the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Magistrates' Court Act 1989, the Protected Disclosure Act 2012, the Road Safety Act 1986, the Second-Hand Dealers and Pawnbrokers Act 1989, the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Sex Offenders Registration Amendment (Miscellaneous) Act 2017, the Surveillance Devices Act 1999, the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

- 19 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Committees Act 2003 to abolish certain Joint House Committees, to amend the Parliamentary Salaries and Superannuation Act 1968 in relation to additional salaries and expense allowances to which certain members of the Parliament are entitled and to make a statute law revision to a provision of the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 that consequentially amends the Parliamentary Committees Act 2003 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

**20 VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019** —

The President read a Message from the Assembly presenting *A Bill for an Act to reform the current system relating to salaries, allowances and standards for Members of Parliament by establishing the Victorian Independent Remuneration Tribunal and making amendments to the Parliamentary Salaries and Superannuation Act 1968, the Members of Parliament (Register of Interests) Act 1978 and the Parliamentary Administration Act 2005, and to make related amendments to the Public Administration Act 2004 and consequential amendments to certain other Acts 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 Ms Crozier (for Mr Rich-Phillips), the debate was adjourned for one week.

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

Debate ensued.

And then the Council, at 6.12 p.m., adjourned until Tuesday, 5 March 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 4, 5 and 6

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### SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018

*Committed Thursday, 21 February 2019*

**Clauses 1 to 28** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018

*Committed Thursday, 21 February 2019*

*Amendments circulated: Mr O'Donohue (see p. 40).*

**Clauses 1 to 118** — put and agreed to.

**Clause 119** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments 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: Ms Bath and Ms Crozier)*

NOES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmr; 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: Mr Elasmr and Mr Melhem)*

Question negatived.

Clause 119 — put and agreed to.

**Clauses 120 to 210** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018****Amendments circulated by Mr O'Donohue**

1. Clause 119, lines 10 to 23, omit all words and expressions on these lines.
2. Clause 119, page 181, lines 19 to 35 and page 182, lines 1 to 9, omit all words and expressions on these lines.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 7, 8 and 9

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#### No. 7 — Tuesday, 5 March 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 26 February 2019 —  
*Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Act 2019*
  - On 5 March 2019 —  
*Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019.*
- 3 **MESSAGE FROM ASSEMBLY — JOINT SITTING — SENATE VACANCY** — The President read a Message from the Assembly informing the Council that they had agreed to meet the Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Jacinta Collins, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 6 March 2019 at 6.15 pm.

Mr Jennings moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Jacinta Collins and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 6 March 2019 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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:

  - **Security incident registry management** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Wednesday, 6 March 2019.
  - **Western metropolitan sports facilities** — substantive question asked by Dr Cumming — response from Mr Somyurek due Thursday, 7 March 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 3 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 23 August 2018 giving approval to the granting of a lease at Mornington Park Reserve.

Minister's Order of 23 August 2018 giving approval to the granting of a lease at Point Leo Foreshore Reserve.

Minister's Order of 7 October 2018 giving approval to the granting of a lease at Cross Keys Reserve.

Minister's Order of 7 October 2018 giving approval to the granting of a lease at Tasma Terrace Reserve.

Minister's Order of 28 January 2019 giving approval to the granting of a lease at Flinders Foreshore Reserve.

Minister's Order of 28 January 2019 giving approval to the granting of a lease at St Kilda Botanical Gardens Reserve.

Minister's Order of 28 January 2019 giving approval to the granting of a licence at Kings Domain Reserve and Alexandra Park Reserve.

Minister's Order of 28 January 2019 giving approval to the granting of a licence at Moonee Ponds Court House Reserve.

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 21 February 2019, pursuant to section 7(1)(c) of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2018-19 Budget Estimates.

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

Boroondara Planning Scheme — Amendment C310.

Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mildura, Mount Alexander and Swan Hill Planning Schemes — Amendment GC117.

Cardinia Planning Scheme — Amendment C253.

Colac Otway Planning Scheme — Amendment C85.

Corangamite Planning Scheme — Amendment C44.

Melbourne Planning Scheme — Amendment C349.

South Gippsland Planning Scheme — Amendment C109.

Statutory Rules under the following Acts of Parliament —

Adoption Act 1984 — No. 8.

Coroners Act 2008 — No. 9.

Fisheries Act 1995 — No. 11.

Health Complaints Act 2016 — No. 12.

Major Crime (Investigative Powers) Act 2004 — No. 10.

Subordinate Legislation Act 1994 — No. 13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 4, 5, 9 and 10.

Victorian Inspectorate —

Report, 2018-19, No.1, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

Report, 2017-18, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.

Report, 2017-18, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report, 2017-18, pursuant to section 74P of the Wildlife Act 1975 in relation to the Department of Environment, Land, Water and Planning.

Report, 2017-18, pursuant to section 74P of the Wildlife Act 1975 in relation to the Game Management Authority.

Report, 2017-18, pursuant to section 131T of the Fisheries Act 1995 in relation to the Victorian Fisheries Authority.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice, Gazetted 20 February 2019.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Labour Hire Licensing Act 2018 — Parts 2, 3, 5 and 6, and Divisions 1, 3 and 6 of Part 7 and Part 8 — 29 April 2019 (*Gazette No. G9, 28 February 2019*).

**7 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 March 2019, in response to the Resolution of the Council of 20 February 2019, relating to the West Gate Tunnel Project, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**8 PRODUCTION OF DOCUMENTS — GOVERNMENT BRIEFING BOOKS** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 March 2019, and a schedule of documents subject to a claim of Executive Privilege, in response to the Resolution of the Council of 6 February 2019 relating to the Government Briefing Books, making a claim of Executive Privilege in full in relation to each of the documents outlined in the schedule.

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 March 2019 —

- (1) the notice of motion given this day by Mr Davis in relation to Sessional Orders;
- (2) the notice of motion given this day by Mr Rich-Phillips in relation to the revocation of multiple Amending Deeds under the *Melbourne City Link Act 1995*;
- (3) the notice of motion given this day by Dr Ratnam referring a matter to the Environment and Planning Committee relating to Victoria's recycling and waste management system;
- (4) Notice of Motion No. 37, standing in the name of Dr Ratnam referring a matter to the Environment and Planning Committee in relation to dangerous cladding used on buildings; and
- (5) Order of the Day No. 4 standing in the name of Mr Davis, providing references to certain joint committees.

Question — put and agreed to.

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

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

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

**13 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

## AYES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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: Mr Bourman and Ms Garrett)*

## NOES, 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 Limbrick and Mr Quilty)*

Question agreed to.

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

House in Committee.

Bill reported with an amendment, 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, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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: Mr Elasmarr and Ms Terpstra)*

## NOES, 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: Ms Bath and Dr Ratnam)*

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 an amendment.

**14 ADJOURNMENT** — Mr Jennings 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 7.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 8 — Wednesday, 6 March 2019

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

**2 PETITION — CALDER PARK DRIVE OVERPASS** — Mr Finn presented a Petition bearing 259 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently reconsider its refusal to approve funding for the Calder Park Drive Overpass Project so that construction can be undertaken at the earliest possible date.

Ordered to lie on the Table.



**3 PAPERS —****VICTORIAN GOVERNMENT ANNUAL REPORT 2018 RESPONDING TO THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE —**

Ms Tierney moved, by leave, That there be laid before this House a copy of the Victorian Government Report 2018 responding to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

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

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REPORT ON STATUTE LAW REVISION BILL 2018 —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented a Report on the Statute Law Revision Bill 2018 (including an Appendix) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 11 and 13.

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

**5 ADDRESS IN REPLY —** The Order of the Day for the resumption of debate having been read, on the motion of Ms Shing, debate was adjourned until later this day.

**6 BUSINESS POSTPONED —** Mr Davis moved, That the consideration of Notice of Motion, General Business, No. 49, be postponed until the next day of meeting.

Question — put and agreed to.

**7 REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK —** Mr Rich-Phillips moved, That, in accordance with the *Melbourne City Link Act 1995*, this House revokes the —

- (1) Fourth Deed Amending Master Security Deed, pursuant to section 15(3) of the Act;
- (2) Melbourne City Link Thirty-seventh Amending Deed, pursuant to section 15(3) of the Act;
- (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed, pursuant to section 15B(6) of the Act; and
- (4) Exhibition Street Extension Eighteenth Amending Deed, pursuant to section 15D(7) of the Act.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04.

\* \* \* \* \*

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

- **Homelessness – public and affordable housing —** substantive question asked by Mr Grimley — response from Ms Symes due Friday, 8 March 2019.
- **Central banking arrangements – impact on regional Victoria —** substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Thursday, 7 March 2019.
- **Residential zone reform guidelines —** substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 8 March 2019.
- **Wheelchair access vehicle subsidy scheme —** substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 8 March 2019.
- **Farmers access to drought assistance support initiative —** supplementary question asked by Ms Bath — response from Ms Symes due Thursday, 7 March 2019.

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

**10 REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK** — Debate continued on the question, That, in accordance with the *Melbourne City Link Act 1995*, this House revokes the —

- (1) Fourth Deed Amending Master Security Deed, pursuant to section 15(3) of the Act;
- (2) Melbourne City Link Thirty-seventh Amending Deed, pursuant to section 15(3) of the Act;
- (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed, pursuant to section 15B(6) of the Act; and
- (4) Exhibition Street Extension Eighteenth Amending Deed, pursuant to section 15D(7) of the Act.

Mr Finn moved, That the debate be adjourned until later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; 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: Ms Bath and Dr Ratnam)*

NOES, 22

Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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: Ms Shing and Ms Stitt)*

Question negatived.

Debate continued on the question, That, in accordance with the *Melbourne City Link Act 1995*, this House revokes the —

- (1) Fourth Deed Amending Master Security Deed, pursuant to section 15(3) of the Act;
- (2) Melbourne City Link Thirty-seventh Amending Deed, pursuant to section 15(3) of the Act;
- (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed, pursuant to section 15B(6) of the Act; and
- (4) Exhibition Street Extension Eighteenth Amending Deed, pursuant to section 15D(7) of the Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr Limbrick)*

NOES, 22

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Dr Kieu and Mr Melhem)*

Question negatived.

**11 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — RECYCLING AND WASTE**

**MANAGEMENT** — Dr Ratnam moved, by leave, in an amended form, That this House requires the Environment and Planning Committee to inquire into, consider and report, by Tuesday, 13 August 2019, on the crisis in Victoria’s recycling and waste management system, partly resulting from the China waste importation ban, including, but not limited to —

- (1) the responsibility of the Victorian Government to establish and maintain a coherent, efficient and environmentally responsible approach to solid waste management across the state, including assistance to local councils;
- (2) whether the China National Sword Policy was anticipated and responded to properly;
- (3) identifying short and long-term solutions to the recycling and waste management system crisis, taking into account —
  - (a) the need to avoid dangerous stockpiling and ensure recyclable waste is actually being recycled;
  - (b) the cleaning and sorting capabilities and the processing capabilities in Victoria and the potential to expand the local recycling industry;
  - (c) how to better enable the use of recycled materials in local manufacturing;
  - (d) the existing business model and economic challenges facing the existing industry;
  - (e) the quantifiable benefits, including job creation and greenhouse gas emissions reduction, of pursuing elements of a circular economy in Victoria;
  - (f) the existing Sustainability Fund and how it can be used to fund solutions to the waste crisis;
- (4) strategies to reduce waste generation and better manage all waste such as soft plastics, compostable paper and pulp, and commercial waste, including, but not limited to —
  - (a) product stewardship;
  - (b) container deposit schemes;
  - (c) banning single use plastics;
  - (d) government procurement policies;
- (5) relevant reviews, inquiries and reports into the waste and recycling industry in other Australian jurisdictions and internationally;
- (6) any other related matters.

Debate ensued.

Mr Finn moved, as an amendment, That after the words “inquire into, consider and” **insert** “provide an urgent interim report, as the Committee deems necessary, on the current circumstances in municipal and industrial recycling and waste management, and provide a final”.

Debate ensued.

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

Question — That the motion, moved by Dr Ratnam in an amended form, amended as follows, be agreed to — That this House requires the Environment and Planning Committee to inquire into, consider and provide an urgent interim report, as the Committee deems necessary, on the current circumstances in municipal and industrial recycling and waste management, and provide a final report, by Tuesday, 13 August 2019, on the crisis in Victoria’s recycling and waste management system, partly resulting from the China waste importation ban, including, but not limited to —

- (1) the responsibility of the Victorian Government to establish and maintain a coherent, efficient and environmentally responsible approach to solid waste management across the state, including assistance to local councils;
- (2) whether the China National Sword Policy was anticipated and responded to properly;
- (3) identifying short and long-term solutions to the recycling and waste management system crisis, taking into account —
  - (a) the need to avoid dangerous stockpiling and ensure recyclable waste is actually being recycled;

- (b) the cleaning and sorting capabilities and the processing capabilities in Victoria and the potential to expand the local recycling industry;
  - (c) how to better enable the use of recycled materials in local manufacturing;
  - (d) the existing business model and economic challenges facing the existing industry;
  - (e) the quantifiable benefits, including job creation and greenhouse gas emissions reduction, of pursuing elements of a circular economy in Victoria;
  - (f) the existing Sustainability Fund and how it can be used to fund solutions to the waste crisis;
- (4) strategies to reduce waste generation and better manage all waste such as soft plastics, compostable paper and pulp, and commercial waste, including, but not limited to —
- (a) product stewardship;
  - (b) container deposit schemes;
  - (c) banning single use plastics;
  - (d) government procurement policies;
- (5) relevant reviews, inquiries and reports into the waste and recycling industry in other Australian jurisdictions and internationally;
- (6) any other related matters — put and agreed to.

**12 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — BUILDING CLADDING RECTIFICATION** — Dr Ratnam moved, That this House —

- (1) acknowledges that flammable cladding on the exterior of the buildings was instrumental in the Lacrosse apartment fire and the recent Neo200 tower fire;
- (2) notes that the —
- (a) cladding on these two buildings and hundreds of others across Melbourne is the same material as the cladding on Grenfell Tower, where a fire killed 72 people;
  - (b) Government's loan scheme to remove the dangerous cladding places the financial burden on apartment owners and owners corporations, instead of those responsible for allowing dangerous cladding to be used on buildings;
- (3) requires that the Environment and Planning Committee meet within 14 days of its establishment to inquire into, consider and report within four months after the Committee first meets on the adequacy of the Government's response to the identification of buildings throughout Victoria that are at risk due to flammable cladding, including, but not limited to —
- (a) the Cladding Rectification Agreements;
  - (b) the impact on home-owners being required to fund cladding rectification and the impact of loan arrangements, including the impact on credit ratings and finances;
  - (c) the impact on apartment prices and insurance premiums;
  - (d) the response of local councils to the Government's Cladding Rectification Agreements scheme;
  - (e) alternative policies for ensuring the dangerous flammable cladding on Victorian buildings is replaced in a timely manner, including where the burden of cost should lie;
  - (f) the impact of the Government's response on home-owners facing financial hardship; and
  - (g) any other matters the Committee considers relevant.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Ms Garrett.*

**13 STATEMENTS ON REPORTS AND PAPERS** — A statement on a report was made by a Member pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 9 — Thursday, 7 March 2019

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

2 **JOINT SITTING — SENATE VACANCY** — The President reported that the House met with the Legislative Assembly yesterday to choose a person to hold the seat in the Senate rendered vacant by the resignation of Senator the Honourable Jacinta Collins and that Mr Raffaele Ciccone was chosen to hold the vacant place in the Senate.

3 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019 — MESSAGE FROM ASSEMBLY** — The President read a Message from the Assembly informing the Council that they had —

- (1) disagreed with the amendment made by the Council; and
- (2) made amendments with which agreement is requested.

Mr Jennings moved, That the message be taken into consideration later this day.

Question — put and agreed to.

4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Australian Children's Education and Care Quality Authority — Report, 2017-18.

Education and Care Services National Law Act 2010 — National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman — Report, 2017-18.

Parliamentary Committees Act 2003 —

Government response to the Accountability and Oversight Committee's Report on the Inquiry into methodologies and outcomes from Victorian Ombudsman reports tabled in the Parliament.

Government response to the Electoral Matters Committee's Report on the Inquiry into civics and electoral participation in Victorian state parliamentary elections.

5 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 March 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 Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 58, be postponed until later this day.

9 **VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Amendments and suggested amendments proposed to be moved in Committee by Mr Jennings and Dr Ratnam (three sets) were circulated.

Question — put and agreed to.

Bill read a second time.

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

Dr Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments to the *Members of Parliament (Register of Interests) Act 1978* to establish the office of the Independent Parliamentary Standards Commissioner.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

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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:

- **Free TAFE admissions** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Tierney due Tuesday, 12 March 2019.
- **Farm crime** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Tuesday, 12 March 2019.

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

**12 VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019** — Bill further considered in Committee of the whole.

The Acting President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole later this day.

**13 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019** — The amendments remaining for consideration by the Council were read and are as follows:

**AMENDMENT NO 1 (resolved by the Council on 5 March 2019)**

Clause 6, omit this clause.

***How dealt with by the Assembly***

Disagreed with but the following amendments were made in the Bill:

1. Clause 1, page 2, lines 2 to 5, omit "in relation to additional salaries and expense allowances to which certain members of the Parliament are entitled" and insert "to make further provision in relation to the additional salary to be paid to the chairpersons of certain parliamentary committees".
2. Clause 6, lines 4 to 13, omit all words and expressions on these lines and insert "at the foot of the section, before the item in relation to the".
3. Long title, omit "in relation to additional salaries and expense allowances to which certain members of the Parliament are entitled" and insert "to make further provision in relation to the additional salary to be paid to chairpersons of certain parliamentary committees".

Mr Jennings moved, That —

- (1) the Council does not insist on its amendment to this Bill; and
- (2) the amendments made by the Assembly be agreed to.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council have not insisted upon the amendment made by the Council to the Bill and have agreed to the amendments made by the Assembly.

**14 JUSTICE LEGISLATION AMENDMENT (POLICE 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 Grimley and Mr Bourman were circulated.

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

- 15 VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019** — The Acting President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Mr Jennings moved, That the Message be referred to the Committee of the whole on the Bill forthwith.

Question — put and agreed to.

Bill further considered in Committee of the whole.

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, including the amendments made by the Assembly on the suggestion of the Committee of the whole Council, with amendments and requesting their agreement.

- 16 JUSTICE LEGISLATION AMENDMENT (POLICE 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 Dr Ratnam, Mr Limbrick (three sets) and Ms Patten 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 without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmars; 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: Mr O'Donohue and Ms Taylor)

NOES, 4

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

(Tellers: Ms Patten and Mr Quilty)

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 17 VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019** — The President read a Message from the Assembly informing the Council that they have agreed to amendments made by the Council in this Bill.

- 18 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the operation of the West Gate Tunnel, to consequentially amend the Accident Towing Services Act 2007, the Children, Youth and Families Act 2005, the Criminal Procedure Act 2009, the EastLink Project Act 2004, the Fines Reform Act 2014, the Heavy Vehicle National Law Application Act 2013, the Infringements Act 2006, the Magistrates' Court Act 1989, the Major Transport Projects Facilitation Act 2009, the Melbourne City Link Act 1995, the Road Management Act 2004, the Road Safety Act 1986, and the Transport Integration Act 2010 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 19 ENERGY LEGISLATION AMENDMENT (VICTORIAN DEFAULT OFFER) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001 and the Gas Industry Act 2001 to facilitate reforms to energy retail contract pricing and the introduction of a Victorian default offer providing a fair price for energy for households and small businesses and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 20 TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Business Franchise (Petroleum Products) Act 1979, the Commercial Passenger Vehicle Industry Act 2017, the Heavy Vehicle National Law Application Act 2013, the Major Transport Projects Facilitation Act 2009, the Road Safety Act 1986, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 9.04 p.m., adjourned until Tuesday, 19 March 2019.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 7, 8 and 9

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### PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019

*Committed Tuesday, 5 March 2019*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Question — That Clause 6 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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 Mr Gepp*)

NOES, 20

Mr Atkinson; Mr Barton; 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; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Ms Bath and Mr Bourman*)

The Ayes and Noes being equal, the question was negatived.

**Clauses 7 and 8** — put and agreed to.

**Bill reported with an amendment.**

\* \* \* \* \*

### VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019

*Committed Thursday, 7 March 2019*

*Amendments and suggested amendments circulated: Mr Jennings (pp. 60-2); and Dr Ratnam (set A, set B and set C) (see pp. 62-7).*

**Clause 1** — Dr Ratnam moved Amendment No. 1 (set A).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Grimley; Ms Maxwell; Dr Ratnam.  
(*Tellers: Mr Grimley and Dr Ratnam*)

NOES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr Ondarchie; Ms Patten; 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: Mr Gepp and Mr Rich-Phillips*)

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment No. 1 — put and agreed to.  
Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Jennings moved Amendment Nos. 2 to 4 — put and agreed to.  
Clause 3, as amended — put and agreed to.

**Clauses 4 to 16** — put and agreed to.

**Clause 17** — Mr Jennings moved suggested Amendment No. 5 — put and agreed to.  
Dr Ratnam moved suggested Amendment Nos. 1 to 5 (set B).  
Question — That, the suggested amendments be agreed to — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Bourman; Mr Grimley; Mr Limbrick; Ms Maxwell; Mr Quilty; Dr Ratnam.  
(*Tellers: Ms Maxwell and Dr Ratnam*)

NOES, 31

Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Finn;  
Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell;  
Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr Ondarchie; Ms Patten;  
Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor;  
Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.  
(*Tellers: Mr Gepp and Dr Kieu*)

Question negatived.

Mr Jennings moved suggested Amendment Nos. 6 and 7 — put and agreed to.  
Clause 17 — stands postponed.

**Clauses 18 to 29** — put and agreed to.

**Clause 30** — Mr Jennings moved Amendment No. 8 — put and agreed to.  
Clause 30, as amended — put and agreed to.

**Clauses 31 to 34** — put and agreed to.

**Clause 35** — Mr Jennings moved Amendment No. 9 — put and agreed to.  
Clause 35, as amended — put and agreed to.

**Clause 36** — Mr Jennings moved Amendment No. 10 — put and agreed to.  
Clause 36, as amended — put and agreed to.

**Clauses 37 to 44** — put and agreed to.

**Clause 45** — Dr Ratnam moved Amendment Nos. 1 and 2 (set C) — put and negatived.  
Clause 45 — put and agreed to.

**Clauses 46 to 49** — put and agreed to.

**Clause 50** — Mr Jennings moved Amendment Nos. 11 to 13 — put and agreed to.  
Clause 50, as amended — put and agreed to.

**Clauses 51 to 53** — put and agreed to.

**Clause 54** — Mr Jennings moved Amendment Nos. 14 to 17 — put and agreed to.  
Clause 54, as amended — put and agreed to.

**Clause 55** — Mr Jennings moved Amendment Nos. 19 to 21 — put and agreed to.  
Mr Jennings moved that Clause 55 stands postponed — put and agreed to.  
Clause 55 — stands postponed.

**Clauses 56 to 58** — put and agreed to.

**Clause 59** — Mr Jennings moved Amendment Nos. 22 to 24 — put and agreed to.  
Mr Jennings moved Amendment Nos. 25 and 26 — put and agreed to.  
Clause 59, as amended — put and agreed to.

**Clause 60** — Mr Jennings moved suggested Amendment No. 27 — put and agreed to.  
Mr Jennings moved suggested Amendment No. 28 — put and agreed to.  
Clause 60 — stands postponed.

**Clause 61** — Mr Jennings moved Amendment No. 29 — put and agreed to.  
Clause 61, as amended — put and agreed to.

**Clauses 62 to 73** — put and agreed to.

**Clause 74** — Mr Jennings moved Amendment Nos. 30 and 31 — put and agreed to.  
Clause 74, as amended — put and agreed to.

**Clauses 75 and 76** — put and agreed to.

**Clause 77** — Mr Jennings moved Amendment No. 32 — put and agreed to.  
Dr Ratnam moved Amendment Nos. 5 and 6 (set C).  
Question — That the amendments be agreed to — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Ms Patten; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Hayes and Ms Patten*)

NOES, 30

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr;  
Mr Finn; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell;  
Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; 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 Garrett and Ms Wooldridge*)

Question negatived.

Mr Jennings moved Amendment Nos. 33 and 34 — put and agreed to.  
Clause 77, as amended — put and agreed to.

**Clause 78** — Mr Jennings moved Amendment Nos. 35 and 36 — put and agreed to.  
Clause 78, as amended — put and agreed to.

**Clauses 79 to 85** — put and agreed to.

**Clause 55** — Mr Jennings circulated a further suggested amendment.

Mr Jennings moved further suggested Amendment No. 1 — put and agreed to.  
 Clause 55 — stands postponed.

**Progress reported with suggested amendments.**

*Progress having been reported earlier this day —*

**Postponed Clause 17** — Question — That Clause 17, as amended by the Assembly on the suggestion of the Committee of the whole Council — put and agreed to.

**Postponed Clause 55** — Question — That Clause 55, as amended by the Assembly on the suggestion of the Committee of the whole Council, and as further amended by the Committee of the whole Council — put and agreed to.

**Postponed Clause 60** — Question — That Clause 60, as amended by the Assembly on the suggestion of the Committee of the whole Council — put and agreed to.

**Bill reported with amendments, including the amendments made by the Assembly on the suggestion of the Committee of the whole Council.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2019**

*Committed Thursday, 7 March 2019.*

*Amendments circulated: Mr Bourman (see p. 68), Mr Grimley (see p. 68), Mr Limbrick (set A, set B and set C) (see pp. 68-70), Ms Patten (see pp. 70-3) and Dr Ratnam (see p. 73).*

**Clause 1** — Ms Patten moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.  
*(Tellers: Mr Hayes and Mr Limbrick)*

NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmir; 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; 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 Ms Stitt)*

Question negated.

Mr Limbrick moved Amendment Nos. 1 and 2 (set A).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.  
*(Tellers: Ms Patten and Dr Ratnam)*

## NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; 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; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

*(Tellers: Mr Rich-Phillips and Ms Shing)*

Question negatived.

Mr Bourman moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Tellers: Dr Cumming and Mr Quilty)*

## NOES, 36

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; 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 Dalidakis and Mr Grimley)*

Question negatived.

Mr Limbrick moved Amendment Nos. 1 and 2 (set B) — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 37** — put and agreed to.

**Clause 38** — Dr Ratnam moved Amendment Nos. 1 to 3.

Mr Rich-Phillips moved, That Clause 38 be postponed — withdrawn, by leave.

Question — That Amendment Nos. 1 to 3 moved by Dr Ratnam be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 1

Dr Ratnam.

*(Tellers: Dr Ratnam and the Clerk)*

*[There being one member on the side of the Ayes, the Deputy President directed that the Clerk act as a second teller for the Ayes, pursuant to Standing Order 16.04(2)]*

## NOES, 39

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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: Mr Bourman and Ms Patten)*

Question negatived.

Clause 38 — put and agreed to.

**Clauses 39 to 43** — put and agreed to.

**Clause 44** — Dr Ratnam moved Amendment Nos. 4 to 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Meddick; Dr Ratnam.

*(Tellers: Mr Meddick and Dr Ratnam)*

NOES, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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: Dr Kieu and Mr Quilty)*

Question negated.

Clause 44 — put and agreed to.

**Clauses 45 to 48** — put and agreed to.

**Clause 49** — Ms Patten moved Amendment Nos. 11 and 12 — put and negated.

Mr Grimley moved Amendment No. 1.

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

*(Tellers: Mr Bourman and Ms Wooldridge)*

NOES, 23

Mr Barton; Mr Dalidakis; Mr Elasmarr; 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 Somyurek and Ms Vaghela)*

Question negated.

Clause 49 — put and agreed to.

**Clauses 50 and 51** — put and agreed to.

**Clause 52** — Ms Patten moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

*(Tellers: Dr Cumming and Mr Limbrick)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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: Mr Bourman and Ms Symes)*

Question negated.

Mr Limbrick moved Amendment Nos. 1 to 6 (set C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Tellers: Dr Cumming and Ms Patten)*

NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; 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; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

*(Tellers: Dr Kieu and Mr Meddick)*

Question negatived.

Clause 52 — put and agreed to.

**Clauses 53 to 93** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019***Amendments and suggested amendments circulated by Mr Jennings*

1. Clause 2, line 33, omit "23 November" and insert "29 October".
2. Clause 3, page 5, line 24, after this line insert—  
 "(la) Parliamentary Secretary to the Premier;".
3. Clause 3, page 6, line 8, after this line insert—  
 "(pa) Deputy Government Whip in the Assembly;".
4. Clause 3, page 6, line 11, after "Secretary" insert "(other than the Parliamentary Secretary to the Premier)".
5. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, line 5, after this line insert—  
**"Note**  
 These costs include the additional costs incurred by a Member when providing services to their constituents in electorates with larger geographic areas.".
6. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, line 11, for "The" substitute "In addition to complying with subsection (3), the".
7. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, line 24, after "**portion**") insert "at a value that is greater than \$158 560".
8. Clause 30, page 28, lines 19 and 20, omit "Accountability and Oversight Committee" and insert "Integrity and Oversight Committee".
9. Clause 35, line 4, after "site" insert "after transmitting it under section 7E(20A) or 9H(9A) of the **Parliamentary Salaries and Superannuation Act 1968**".
10. Clause 36, line 14, omit "(if any)." and insert—  
 "(if any); or  
 (c) the use of the motor vehicle allowance or any terms or conditions relating to the use of the motor vehicle allowance.".
11. Clause 50, page 44, line 5, after this line insert—  
 "(la) Parliamentary Secretary to the Premier;".
12. Clause 50, page 44, line 21, after this line insert—  
 "(pa) Deputy Government Whip in the Assembly;".
13. Clause 50, page 44, line 24, after "Secretary" insert "(other than the Parliamentary Secretary to the Premier)".
14. Clause 54, page 47, line 20, omit "office." and insert—  
 "office; and  
 (c) if the Member does not elect to be provided with a motor vehicle under section 6(6), the motor vehicle allowance.".



15. Clause 54, lines 29 and 30, omit all words and expressions on these lines.
16. Clause 54, line 31, omit "(d)" and insert "(c)".
17. Clause 54, page 48, line 23, omit "(2)" and insert "(1)(c)".
18. **Suggested amendment to the Legislative Assembly -**  
Clause 55, page 50, line 13, after "during" insert "the current Parliament or".
19. Clause 55, page 53, lines 14 to 24, omit all words and expressions on these lines and insert—  
"(17) If the Compliance Officer determines to uphold the appeal, the Compliance Officer must notify the former Member and the Clerk of the relevant House of the Parliament."
20. Clause 55, page 53, lines 30 to 32 and page 54, lines 1 to 8, omit all words and expressions on these lines and insert—  
"(19) If the Compliance Officer determines to reject the appeal, the Compliance Officer must notify the former Member and the Clerk of the relevant House of the Parliament."
21. Clause 55, page 54, after line 15 insert—  
"(20A) If the Compliance Officer considers that a statement of findings and any required actions should be published in a particular case, the Compliance Officer may at any time cause the statement to be transmitted to each House of the Parliament.  
  
(20B) The Clerk of each House of the Parliament must cause a statement of findings and any required actions transmitted under subsection (20A) to be laid before the House on the day on which it is received or on the next sitting day of that House of the Parliament.  
  
(20C) If the Compliance Officer proposes to transmit a statement of findings and any required actions under subsection (20A), the Compliance Officer must publish the statement on the Tribunal's Internet site as soon as practicable after giving it to the Clerks."
22. Clause 59, page 64, lines 29 to 33 and page 65, lines 1 to 5, omit all words and expressions on these lines and insert—  
"(7) If the Compliance Officer determines to uphold the appeal, the Compliance Officer must notify the Member and the relevant Officer."
23. Clause 59, page 65, lines 13 to 23, omit all words and expressions on these lines and insert—  
"(9) If the Compliance Officer determines to reject the appeal, the Compliance Officer must notify the Member and relevant Officer."
24. Clause 59, page 65, after line 23 insert—  
"(9A) If the Compliance Officer considers that a statement of findings and any required actions should be published in a particular case, the Compliance Officer may at any time cause the statement to be transmitted to each House of the Parliament.  
  
(9B) The Clerk of each House of the Parliament must cause a statement of findings and any required actions transmitted under subsection (9A) to be laid before the House on the day on which it is received or on the next sitting day of that House of the Parliament.  
  
(9C) If the Compliance Officer proposes to transmit a statement of findings and any required actions under subsection (9A), the Compliance Officer must publish the statement on the Tribunal's Internet site as soon as practicable after giving it to the Clerks."
25. Clause 59, page 66, line 18, after "allowances" insert "and the motor vehicle allowance (if claimed)".
26. Clause 59, page 66, line 32, after "allowances" insert "and the motor vehicle allowance (if claimed)".
27. **Suggested amendment to the Legislative Assembly -**  
Clause 60, line 14, after "annually" insert "in respect of each relevant financial year".

28. **Suggested amendment to the Legislative Assembly -**  
 Clause 60, line 23, omit "Melbourne—" and insert—  
     "Melbourne; or  
     (c) by the annual increase in full-time adult average weekly ordinary time earnings of employees in Victoria in original terms as published by the Australian Bureau of Statistics—".
29. Clause 61, lines 20 to 25, omit all words and expressions on these lines and insert—  
 '(5) For section 31(4) of the Principal Act **substitute—**  
     "(4) Despite anything to the contrary in this section, the member may request in writing that the State limit, to the amount specified in the request, employer contributions to the person's basic contributions fund to the extent that the basic contributions fund cannot receive those contributions without causing the member to exceed the concessional contributions cap published by the Australian Taxation Office in relation to superannuation contributions.".'.
30. Clause 74, page 85, line 20, omit all words and expressions on this line.
31. Clause 74, page 85, line 21, omit "(d)" and insert "(c)".
32. Clause 77, page 88, line 31, after "(if any)" insert ", the motor vehicle allowance (if claimed)".
33. Clause 77, page 91, line 14, after "duties" insert "for financial or commercial advantage or benefit to themselves or another person".
34. Clause 77, page 91, line 18, after this line insert—  
 "(3) A former Member is not to be taken to have breached confidentiality obligations regarding information obtained in the course of their public duties if the former Member was—  
     (a) required by law to disclose that information; or  
     (b) otherwise acting lawfully in disclosing that information.".
35. Clause 78, page 93, line 13, omit "; and" and insert—  
 "—  
     but if it is not reasonably practicable for the Member to make the calculations for the purpose of providing that indication, then the Member may instead provide the number of shares that constitutes that interest; and".
36. Clause 78, page 95, lines 22 to 31, omit all words and expressions on these lines and insert—  
 "(2) If a Member holds a beneficial interest in a blind trust, the Member is not required to comply with subsections (1)(g) and (1)(h) in respect of the blind trust, but in the primary return the Member must provide—  
     (a) a description of the blind trust: and  
     (b) the name and address of the person who manages the blind trust.".

**Amendments circulated by Dr Ratnam (set A)**

1. Clause 1, page 3, after line 13 insert—  
 "(iia) establishing the office of the Independent Parliamentary Standards Commissioner; and".
2. Clause 74, after line 27 insert—  
 "**Commissioner** means the Independent Parliamentary Standards Commissioner appointed under section 3B;".

3. Clause 75, line 6, omit all words and expression on that line and insert—

**"75 New section 3 and new Part 1A inserted".**

4. Clause 75, line 12, omit "standards." and insert "standards."

5. Clause 75, after line 12 insert—

**"Part 1A Office of the Independent Parliamentary Standards Commissioner**

**3A Office of the Independent Parliamentary Standards Commissioner established**

There is established the office of the Independent Parliamentary Standards Commission.

**3B Appointment of the Commissioner**

(1) The Governor in Council, on the recommendation of the Minister, may by instrument appoint an eligible person to be the Commissioner.

(2) Subject to subsection (3), a person is eligible to be appointed as the Commissioner if the person—

(a) is or has been, or is qualified for appointment as, a judge of—

(i) the High Court; or

(ii) the Federal Court; or

(iii) the Supreme Court of Victoria or another State or a Territory; or

(b) has extensive or specialist knowledge, expertise or experience in—

(i) Government, law, public administration or public ethics; or

(ii) any other field the Minister considers relevant.

(3) A person is not eligible to be appointed as the Commissioner if the person—

(a) is a Member; or

(b) nominates for election as a Member.

**3C Independence of the Commissioner**

(1) The Commissioner must act independently and impartially in performing their functions and exercising their powers.

(2) The Commissioner is not subject to the direction or control of any person, including but not limited to the Minister, in respect of the performance of their functions or exercise of their powers.

**3D Conflict of interest**

The Commissioner must avoid any actual or potential conflict of interest with their function as the Commissioner.

**3E Functions and powers of the Commissioner**

(1) The Commissioner has the following functions—

(a) overseeing the maintenance of the Register;

(b) overseeing Members' observance of the Code of Conduct;

(c) providing confidential advice to Members regarding compliance with Part 4 and observance of the Code of Conduct;

(d) providing advice to Presiding Officers on the interpretation of the Code of Conduct;

(e) providing training and advice to Members regarding conduct, propriety and ethics;

- (f) recommending to the Presiding Officers appropriate changes to the Code of Conduct;
  - (g) investigating any alleged contravention of a requirement under Part 3 or 4 by a Member or former Member.
- (2) The Commissioner has power to do all things that are necessary or convenient to be done for or in connection with the performance of the Commissioner's functions.

### **3F Investigation by Commissioner of alleged contraventions**

- (1) The Commissioner may investigate an alleged contravention of a requirement under Part 3 or 4 by a Member or former Member—
- (a) on the Commissioner's own initiative; or
  - (b) on the referral of an allegation to the Commissioner by a Member.
- (2) If the Commissioner investigates an alleged contravention under subsection (1), the Commissioner must—
- (a) prepare a report of the Commissioner's findings in relation to the alleged contravention; and
  - (b) submit that report to the Privileges Committee of the House of which the Member or former Member who is alleged to have contravened the requirement is or was a Member; and
  - (c) if the Commissioner determines that the alleged contravention may involve conduct that may constitute a criminal offence, refer the alleged contravention to the appropriate law enforcement agency.

### **3G Terms and conditions of the Commissioner's appointment**

- (1) The Commissioner holds office for the period not exceeding 5 years as is specified in the instrument of appointment.
- (2) The Commissioner—
- (a) is appointed on a sessional basis; and
  - (b) is not eligible for re-appointment; and
  - (c) is entitled to be paid the prescribed remuneration; and
  - (d) subject to this Act, is appointed on the terms and conditions that are specified in the instrument of appointment.
- (3) The remuneration of the Commissioner cannot be reduced during their term of office unless they consent to the reduction.
- (4) The **Public Administration Act 2004** does not apply to the Commissioner in respect of the office of Commissioner.

### **3H Vacancy, resignation and removal from office of Commissioner**

- (1) The Commissioner ceases to hold office if the Commissioner—
- (a) resigns by writing delivered to the Governor in Council; or
  - (b) becomes an insolvent under administration; or
  - (c) is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
  - (d) nominates for election as a Member or otherwise becomes a Member; or

- (e) becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**; or
- (f) is removed from office in accordance with subsection (2); or
- (g) dies.

(2) The Governor in Council may remove the Commissioner from office on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of the office;
- (d) any other ground on which the Governor in Council is satisfied that the Commissioner is unfit to hold office.

### **3I Annual report of Commissioner**

(1) As soon as practicable after the end of the financial year but not later than the following 31 October, the Commissioner must submit to the Presiding Officers an annual report containing the following in relation to the period of 12 months ending on the preceding 30 June—

- (a) the number of requests for confidential advice made by Members to the Commissioner;
- (b) details of any advice the Commissioner provided to Presiding Officers relating to the interpretation of the Code of Conduct;
- (c) details of any changes to the Code of Conduct recommended by the Commissioner to the Presiding Officers;
- (d) the number of requests for training or advice regarding conduct, propriety and ethics made by Members to the Commissioner;
- (e) the subject matter of any training or advice described in paragraph (d);
- (f) the number of investigations conducted by the Commissioner into alleged contraventions of requirements under Part 3 or 4;
- (g) any other prescribed matter.

(2) The Commissioner must cause an annual report under subsection (1) to be laid before each House of Parliament within 5 sitting days after submitting the report to the Presiding Officers.

### **3J Confidentiality**

A person who is or was the Commissioner must not knowingly disclose any information acquired by the person by reason of being the Commissioner or in the course of the performance of functions under this Act, except—

- (a) for the performance of the functions of the Commissioner under this Act; or
- (b) if the information is in the public domain at the time of the disclosure, otherwise than as a result of a disclosure that the person knows or ought to have known was unlawful; or
- (c) as is otherwise authorised or required under this Act or any other Act."."

Suggested amendments circulated by Dr Ratnam (set B)

1. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 18, lines 12 to 14, omit all words and expressions on those lines and insert—
  - "(a) not set the basic salary at a rate that is higher than the basic salary in place immediately before the making of the Determination increased by the higher of—
    - (i) any rate provided for annual indexation by any statement or policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); or
    - (ii) 2.5 per cent; and".
  
2. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 18, lines 25 to 33, omit all words and expressions on those lines.
  
3. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, after line 18 insert—
  - "(b) not set the basic salary at a rate that is higher than the amount of the basic salary and any expense allowances in place immediately before the making of the first Determination increased by the higher of—
    - (i) any rate provided for annual indexation by any statement or policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); or
    - (ii) 2.5 per cent; and".
  
4. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, line 26, omit "portion;" and insert "portion at a rate that is not more than any rate provided for annual indexation by any statement or policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);".
  
5. **Suggested amendment to the Legislative Assembly -**  
 Clause 17, page 19, lines 27 to 28, omit all words and expressions on those lines.
  
6. **Suggested amendment to the Legislative Assembly -**  
 Clause 18, after line 18 insert—
  - "(2) The annual adjustment provided for in a Determination made under subsection (1) must not be more than any rate provided for annual indexation by any statement or policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent).".

Amendments circulated by Dr Ratnam (set C)

1. Clause 45, line 4, omit "10" and insert "5".
  
2. Clause 45, lines 7 to 11, omit all words and expressions on those lines and insert—
  - "(b) cause a copy of a report of the review to be laid before each House of Parliament on or before the later of the following—
    - (i) the end of the period of 1 month after the day on which the review is completed; or
    - (ii) the next sitting day of the House.".
  
3. Clause 59, page 71, line 22, omit "10" and insert "5".
  
4. Clause 59, page 71, lines 29 to 33, omit all words and expressions on those lines and insert—
  - "(b) cause a copy of a report of the review to be laid before each House of Parliament on or before the later of the following—

- (i) the end of the period of 1 month after the day on which the review is completed;  
or
- (ii) the next sitting day of the House."."

5. Clause 77, page 91, line 1, after "**activities**" insert "**of Members**".

6. Clause 77, page 91, after line 18 insert—

**"15A Post-retirement activities of Ministers and Parliamentary Secretaries**

- (1) A former Member who has held office as a Minister or Parliamentary Secretary must not, after they cease to be a Member, act for or on behalf of any person or organisation in connection with any specific proceeding, transaction, negotiation or case to which the Crown is a party and in relation to which they have had any direct and significant official dealings as a Minister or Parliamentary Secretary.
- (2) A former Member who has held office as a Minister or Parliamentary Secretary must not, after they cease to be a Member, give advice to a client, business associate or employer using information gained in the performance of their public duties that is not available to the public.
- (3) Subject to subsection (6), a former Member who has held office as a Minister or Parliamentary Secretary must not, after they cease to be a Member, enter into a contract of service with, accept an appointment to a board of directors of, or accept an offer of employment with an entity with which the former Member had direct and significant official dealings during the period of one year immediately before they ceased to be a Minister or Parliamentary Secretary.
- (4) Subject to subsection (6), a former Member who has held office as a Minister or Parliamentary Secretary must not, after they cease to be a Member, make representations, whether for remuneration or not, for or on behalf of any other person or entity to any department, organisation, board, commission or tribunal with which the former Member had direct and significant official dealings during the period of one year immediately before they ceased to be a Minister or Parliamentary Secretary.
- (5) Subject to subsection (6), a former Member who has held office as a Minister or Parliamentary Secretary must not, after they cease to be a Member, make representations to a current Minister or Parliamentary Secretary who was a Minister or Parliamentary Secretary at the same time as the former Member was a Minister or Parliamentary Secretary during the period of 2 years immediately before the former Member ceased to be a Member.
- (6) Subsections (3), (4) and (5) apply to a former Member during the period of 2 years after the day on which they ceased to be a Member."

7. Clause 79, lines 29 to 33 and page 103, lines 1 to 13, omit all words and expressions on those lines.

8. Clause 79, page 105, line 7, omit "10" and insert "5".

9. Clause 79, page 105, lines 14 to 18, omit all words and expressions on those lines and insert—

- "(b) cause a copy of a report of the review to be laid before each House of Parliament on or before the later of the following—
  - (i) the end of the period of 1 month after the day on which the review is completed;  
or
  - (ii) the next sitting day of the House."."

## 2. JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2019

### Amendments circulated by Mr Bourman

1. Clause 1, page 3, lines 21 to 22, omit all words and expressions on these lines.
2. Clause 38, omit this clause.
3. Heading to clause 44, omit "**sections 221 and 222**" and insert "**section 221**".
4. Clause 44, lines 24 to 33, page 42, lines 1 to 35 and page 43, lines 1 to 17, omit all words and expressions on these lines.
5. Clause 44, page 43, line 18, omit "**222**" and insert "**221**".
6. Clause 45, omit this clause.

### Amendments circulated by Mr Grimley

Clause 49, after line 25 insert—

"( ) After section 64(2) of the **Sex Offenders Registration Act 2004** insert—

"(2A) Despite subsection (1), the Chief Commissioner of Police or a person authorised to have access to the Register or any part of the Register may disclose personal information in the Register relating to a registrable offender to any of the following persons—

- (a) a person who is the spouse or domestic partner of the registrable offender;
- (b) a person who is a parent, child or sibling of the registrable offender;
- (c) a person who resides in the same premises as the registrable offender."

### Amendments circulated by Mr Limbrick (set A)

- 1 Clause 1, page 2, line 1, omit "new offences " and insert "a new offence".
- 2 Clause 1, page 2, lines 2 to 4, omit "and intimidation of law enforcement officers and family members".
- 3 Part heading preceding clause 3, omit "**and intimidation offences**".
- 4 Clause 3, line 6, omit "**sections 31C and 31D**" and insert "**section 31C**".
- 5 Clause 3, page 8, line 36, omit "**2011.**" and insert "**2011.**".
- 6 Clause 3, page 9, lines 1 to 34, page 10, lines 1 to 35, page 11, lines 1 to 33, and page 12, lines 1 to 9, omit all words and expressions on these lines.

### Amendments circulated by Mr Limbrick (set B)

- 1 Clause 1, page 4, lines 3 to 19, omit all words and expressions on these lines.
- 2 Clause 1, page 4, lines 20 to 31, omit all words and expressions on these lines.
- 3 Part heading preceding clause 52, omit this heading.
- 4 Division heading preceding clause 52, omit this heading.
- 5 Clause 52, omit this clause.



- 6 Clause 53, omit this clause.
  - 7 Clause 54, omit this clause.
  - 8 Clause 55, omit this clause.
  - 9 Clause 56, omit this clause.
  - 10 Clause 57, omit this clause.
  - 11 Clause 58, omit this clause.
  - 12 Clause 59, omit this clause.
  - 13 Clause 60, omit this clause.
  - 14 Clause 61, omit this clause.
  - 15 Clause 62, omit this clause.
  - 16 Clause 63, omit this clause.
  - 17 Clause 64, omit this clause.
  - 18 Clause 65, omit this clause.
  - 19 Clause 66, omit this clause.
  - 20 Clause 67, omit this clause.
  - 21 Clause 68, omit this clause.
  - 22 Clause 69, omit this clause.
  - 23 Clause 70, omit this clause.
  - 24 Clause 71, omit this clause.
  - 25 Clause 72, omit this clause.
  - 26 Clause 73, omit this clause.
  - 27 Clause 74, omit this clause.
  - 28 Clause 75, omit this clause.
  - 29 Clause 76, omit this clause.
  - 30 Clause 77, omit this clause.
  - 31 Clause 78, omit this clause.
  - 32 Division heading preceding clause 79, omit this heading.
  - 33 Clause 79, omit this clause.
  - 34 Division heading preceding clause 80, omit this heading.
  - 35 Clause 80, omit this clause.
- AMENDMENT OF LONG TITLE
- 36 Long title, omit "the **Corrections Act 1986**".

Amendments circulated by Mr Limbrick (set C)

- 1 Clause 52, lines 10 to 12, omit all words and expressions on these lines.
- 2 Clause 52, line 13, omit "(ii)" and insert "(i)".
- 3 Clause 52, line 15, omit "(iii)" and insert "(ii)".
- 4 Clause 52, lines 20 to 22, omit all words and expressions on these lines.
- 5 Clause 52, line 23, omit "(ii)" and insert "(i)".
- 6 Clause 52, line 25, omit "(iii)" and insert "(ii)".
- 7 Clause 55, lines 31 to 33, omit all words and expressions on these lines.
- 8 Clause 55, page 52, line 1, omit "(b)" and insert "(a)".
- 9 Clause 55, page 52, line 3, omit "(c)" and insert "(b)".
- 10 Clause 55, page 52, lines 10 to 12, omit all words and expressions on these lines.
- 11 Clause 55, page 52, line 13, omit "(b)" and insert "(a)".
- 12 Clause 55, page 52, line 15, omit "(c)" and insert "(b)".
- 13 Clause 55, page 53, lines 21 and 22, omit "which the person is suspected of having committed or".
- 14 Clause 55, page 53, lines 27 to 29, omit "which the child is believed on reasonable grounds of having committed or".
- 15 Clause 55, page 54, lines 16 to 27, omit all words and expressions on these lines and insert—  

"person and the charge for the indictable offence or the DNA sample offence (as the case requires) is not proceeded with or the DNA person is not found guilty of the offence whether on appeal or otherwise before the end of the period of 12 months after the taking of the sample,".
- 16 Clause 55, page 57, line 13, before "there are" insert "the person has been charged with an indictable offence or has been summonsed to answer to a charge for an indictable offence and".
- 17 Clause 55, page 57, line 18, before "the person" insert "the person has been charged with a DNA sample offence or has been summonsed to answer to a charge for a DNA sample offence and".

Amendments circulated by Ms Patten

- 1 Clause 1, last line on page 1 and page 2, lines 1 to 18, omit all words and expressions on these lines.
- 2 Part heading preceding clause 3, omit this heading.
- 3 Division heading preceding clause 3, omit this heading.
- 4 Clause 3, omit this clause.
- 5 Clause 4, omit this clause.
- 6 Division heading preceding clause 6, omit this heading.
- 7 Clause 6, omit this clause.
- 8 Division heading preceding clause 7, omit this heading.

- 9 Clause 7, omit this clause.
- 10 Clause 8, omit this clause.
- 11 Clause 49, lines 19 to 25, omit all words and expressions on these lines and insert "**Registration Act 2004**—
- (a) before "purpose" **insert** "sole"; and
  - (b) before "activities" **insert** "judicial".
- 12 Clause 49, page 46, lines 5 to 9, omit all words and expressions on these lines.
- 13 Clause 52, lines 7 and 8, omit "means—(a)" and insert "means".
- 14 Clause 52, line 10, omit "(i)" and insert "(a)".
- 15 Clause 52, line 13, omit "(ii)" and insert "(b)".
- 16 Clause 52, line 15, omit "(iii)" and insert "(c)".
- 17 Clause 52, line 17, omit "or".
- 18 Clause 52, lines 18 to 27, omit all words and expressions on these lines.
- 19 Clause 55, page 52, lines 5 to 16, omit all words and expressions on these lines.
- 20 Clause 55, page 52, line 17, omit "(3)" and insert "(2)".
- 21 Clause 55, page 52, lines 17 and 18, omit "from—(a)" and insert "from".
- 22 Clause 55, page 52, line 19, omit "(i)" and insert "(a)".
- 23 Clause 55, page 52, line 21, omit "(ii)" and insert "(b)".
- 24 Clause 55, page 52, line 23, omit "464SE; or" and insert "464SE".
- 25 Clause 55, page 52, lines 24 to 30, omit all words and expressions on these lines.
- 26 Clause 55, page 53, lines 1 and 2, omit "**and their parent or guardian**".
- 27 Clause 55, page 53, lines 3 to 6, omit all words and expressions on these lines.
- 28 Clause 55, page 53, line 7, omit "(2)" and insert "(1)".
- 29 Clause 55, page 53, line 7, omit "or a parent or guardian".
- 30 Clause 55, page 53, line 10, omit "or the parent or guardian".
- 31 Clause 55, page 53, lines 12 and 13, omit "or the parent or guardian".
- 32 Clause 55, page 53, lines 14 and 15, omit "or the parent or guardian".
- 33 Clause 55, page 53, line 20, omit "for a DNA person who is an adult,".
- 34 Clause 55, page 53, lines 26 to 35, and page 54, lines 1 and 2, omit all words and expressions on these lines.
- 35 Clause 55, page 54, line 3, omit "(f)" and insert "(d)".
- 36 Clause 55, page 54, line 6, omit "(g)" and insert "(e)".
- 37 Clause 55, page 54, line 15, omit "(h)" and insert "(f)".

- 38 Clause 55, page 54, line 29, omit "(i)" and insert "(g)".
- 39 Clause 55, page 54, lines 29 and 30, omit "or the parent or guardian".
- 40 Clause 55, page 54, line 32, omit "(j)" and insert "(h)".
- 41 Clause 55, page 54, lines 32 and 33, omit "or the parent or guardian".
- 42 Clause 55, page 55, line 1, omit "(3)" and insert "(2)".
- 43 Clause 55, page 55, line 2, omit "or a parent or guardian".
- 44 Clause 55, page 55, line 3, omit "(2)" and insert "(1)".
- 45 Clause 55, page 55, lines 11 to 13, omit "or the parent or guardian of the child if the child's legal practitioner is not known".
- 46 Clause 55, page 55, line 29, omit "(4)" and insert "(3)".
- 47 Clause 55, page 56, lines 10 to 13, omit all words and expressions on these lines.
- 48 Clause 55, page 56, lines 31 to 33, omit "or the Children's Court (as the case requires)".
- 49 Clause 55, page 57, line 4, omit "for a DNA person who is an adult,".
- 50 Clause 55, page 57, lines 7 to 11, omit all words and expressions on these lines.
- 51 Clause 55, page 57, line 12, omit "(e) for a DNA person who is an adult," and insert "(d)".
- 52 Clause 55, page 57, lines 17 to 21, omit all words and expressions on these lines.
- 53 Clause 55, page 57, line 22, omit "(g)" and insert "(e)".
- 54 Clause 55, page 57, line 29, omit ", 464U".
- 55 Clause 55, page 58, lines 6 and 7, omit ", 464U".
- 56 Clause 55, page 58, lines 22 and 23, omit all words and expressions on these lines.
- 57 Clause 55, page 58, line 24, omit "(c)" and insert "(b)".
- 58 Clause 55, page 59, line 35, and page 60, line 1, omit "—(i)".
- 59 Clause 55, page 60, line 2, omit "practitioner; or" and insert "practitioner."
- 60 Clause 55, page 60, lines 3 to 5, omit all words and expressions on these lines.
- 61 Clause 55, page 60, lines 16 and 17, omit "and to the parent or guardian of a DNA person who is a child".
- 62 Clause 56, page 61, lines 1 to 4, omit all words and expressions on these lines.
- 63 Clause 57, lines 30 and 31, omit "Subdivision—(a)" and insert "Subdivision,".
- 64 Clause 57, page 62, lines 1 and 2, omit "taken; and" and insert "taken.".
- 65 Clause 57, page 62, lines 3 to 9, omit all words and expressions on these lines.
- 66 Clause 58, page 64, line 26, omit "practitioner." and insert "practitioner.".
- 67 Clause 58, page 64, lines 27 to 34, omit all words and expressions on these lines.

- 68 Clause 59, lines 8 and 9, omit "(a)".
- 69 Clause 59, line 10, omit "practitioner; and" and insert "practitioner."
- 70 Clause 59, lines 11 and 12, omit all words and expressions on these lines.
- 71 Clause 63, page 76, lines 4 to 23, omit all words and expressions on these lines.
- 72 Clause 67, omit this clause.

Amendments circulated by Dr Ratnam

1. Clause 38, line 7, omit "**B**" and insert "**C**".
2. Clause 38, line 8, omit "(d)" and insert "(b)".
3. Clause 38, line 9, omit "(e)" and insert "(ba)".
4. Clause 44, after line 30 insert—

"(a) a person who holds a lever action shotgun under a Category A longarm licence or a Category B longarm licence may possess, carry and use a lever action shotgun for a period of 6 months after the commencement of section 38 of that Act unless the licence is sooner revoked or cancelled; and".
5. Clause 44, lines 31 to 33 and page 42, lines 1 to 25, omit all words and expressions on these lines.
6. Clause 44, page 42, line 26, omit "(c)" and insert "(b)".
7. Clause 44, page 42, line 34, omit "B" and insert "C".
8. Clause 44, page 43, line 6, omit "(d)" and insert "(c)".
9. Clause 44, page 43, line 14, omit "(c)" and insert "(b)".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 10, 11 and 12

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#### No. 10 — Tuesday, 19 March 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE WILLIAM ALBERT LANDERYOU** — Ms Pulford moved, That this House expresses its sincere sorrow at the death, on 27 February 2019, of the Honourable William Albert Landeryou and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Province of Dootta Galla from 1976 to 1992 and as Minister of Economic Development and Minister of Tourism in 1982 and as Minister for Industrial Affairs and Minister of Labour and Industry from 1982 to 1983.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **CHRISTCHURCH MOSQUES TERROR ATTACK** — Mr Jennings moved, by leave, That this House —
  - (1) offers its deep and sincere condolences to the families, friends and loved ones of the innocent victims whose lives were tragically taken in the Christchurch mosques terror attack on 15 March 2019;
  - (2) sends a message of solidarity to Victoria's Muslim communities, and communities around the world;
  - (3) condemns all forms of violence and terrorism; and
  - (4) reaffirms its unwavering commitment to a strong multicultural and multifaith Victoria.And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
As a further mark of respect to the Honourable William Albert Landeryou and to the victims of the Christchurch mosques terror attack, the sitting was suspended for one hour.  
*[Sitting suspended from 4.13 p.m. to 5.14 p.m.]*
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
On 13 March 2019 —  
*Justice Legislation Amendment (Police and Other Matters) Act 2019*  
*Parliamentary Committees Amendment Act 2019*  
On 19 March 2019 —  
*Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.*
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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:

- **Solar panels e-waste in landfill** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Thursday, 21 March 2019.
- **Local government infringement refunds** — substantive question asked by Mr O'Donohue — response from Mr Somyurek due Thursday, 21 March 2019.
- **Domestic violence prevention funding** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Thursday, 21 March 2019.
- **African youth engagement program funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 21 March 2019.

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

**7 WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019** — Mr Meddick introduced *A Bill for an Act to amend the Wildlife Act 1975 to protect certain birds by prohibiting their hunting, shooting or wounding for the purposes of sport and recreation, to make consequential amendments to other Acts and for other purposes.*

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

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mrs McArthur presented Alert Digest No. 4 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT 2018-19** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2018-19 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2).

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commissioner for Environmental Sustainability Victoria —

State of the Yarra and its Parklands — Report, 2018.

Victorian State of the Environment 2018 Report – Scientific Assessments Part 3, together with a Summary Report.

Murray-Darling Basin Authority — Report, 2017-18.

Statutory Rules under the following Acts of Parliament —

Residential Tenancies Act 1997 — No. 14.

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — No. 15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 12 and 14.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice, Gazetted 8 March 2019.

**9 PRODUCTION OF DOCUMENTS — TOORAK ROAD, KOOYONG LEVEL CROSSING REMOVAL PROJECT** — The Clerk laid on the Table a letter from the Attorney-General, dated 18 March 2019, in response to the Resolution of the Council of 20 February 2019 seeking the production of documents relating to the Toorak Road, Kooyong Level Crossing Removal Project, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**10 BUSINESS OF THE COUNCIL** — Ms Crozier moved, by leave, That precedence be given to the following General Business on Wednesday, 20 March 2019 —

- (1) the notice of motion given this day by Mr Rich-Phillips in relation to the partial revocation of multiple Amending Deeds under the *Melbourne City Link Act 1995*;



- (2) the notice of motion given this day by Mr Davis referring a matter to the Environment and Planning Committee in relation to dangerous cladding used on buildings;
- (3) Notice of Motion No. 5, standing in the name of Mr Davis referring a matter to the Economy and Infrastructure Committee relating to public sector infrastructure and public works projects; and
- (4) the notice of motion given this day by Ms Bath referring a matter to the Economy and Infrastructure Committee relating to illegal, on-farm animal activist activity.

Question — put and agreed to.

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

**12 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 57, be postponed until later this day.

**14 SESSIONAL ORDERS** — Mr Jennings moved, by leave, in an amended form, That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation on Thursday, 21 March 2019:

**1. Days and hours of meeting**

- (1) Standing Order 4.01(1)(a) is suspended to the extent necessary so as to provide that the hour of meeting of the Council on Tuesday will be at 12.00 noon.
- (2) After Standing Order 4.01(2) insert the following:
  - (3) Unless otherwise ordered by the Council, the House will suspend for a meal break on Tuesday and Thursday at 6.30 p.m. for 60 minutes.
    - (a) A Member may move, without leave, to suspend or alter the duration of the meal break in (3)(a). The Chair will put the question forthwith without debate.

**2. Interruption of debate — Messages**

In Standing Order 4.07(7) for “will” substitute “may”.

**3. Extension of sitting — Committee of the whole**

For the purposes of Standing Order 4.08, a declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.

**4. Order of business**

Standing Order 5.02(2) and (3) is suspended and the following order of business will apply on Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 12 noon** Questions

Answers to Questions on Notice

General Business (until 5.15 p.m.)

**At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 60 minutes)

**At 6.45 p.m.** Adjournment (up to 20 Members)

**5. Time limits**

- (1) Standing Order 5.03 is suspended to the extent necessary so as to provide that the total time for statements on reports, papers and petitions is 30 minutes.

- (2) In Standing Order 5.03, for “**Statements on reports and papers (Standing Order 9.10)**” substitute “**Statements on reports, papers and petitions (Standing Order 9.10)**”.
- (3) Standing Order 5.03 Time limits *Government Business (Standing Order 5.06)* is suspended and the following will apply:
- Government Business (Standing Order 5.06)**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (4) Standing Order 5.03 Time limits *General Business (Standing Order 5.07)* is suspended and the following will apply:
- General Business (Standing Order 5.07)**
- |                              |            |
|------------------------------|------------|
| Total time                   | 90 minutes |
| Mover/Sponsor                | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (5) In Standing Order 5.03 Time limits, insert the following new Sessional Order:
- Private Member Bills — second reading debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Mover/Sponsor                | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (6) Standing Order 5.03 Time limits *Questions without notice (Standing Order 8.04)* is suspended and the following will apply:
- Questions without notice (Standing Order 8.04)**
- |                   |           |
|-------------------|-----------|
| Each Member       | 1 minute  |
| Minister’s answer | 3 minutes |
- (7) Standing Order 5.03 Time limits *Government Bills — second reading debate* is suspended and the following will apply:
- Government Bills — second reading debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (8) Standing Order 5.03 Time limits *Budget debate* is suspended and the following will apply:
- Budget debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- 6. Questions without notice and Ministers’ statements**
- Standing Order 8.04 is suspended and the following will apply:
- Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
  - Only non-Government Members may ask oral questions without notice.
  - After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.

- (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.

#### **7. Content of answers**

- (1) After Standing Order 8.07(2) insert the following:
  - (2)(a) The President will determine the adequacy of a written response to a question provided under this Standing Order. The President may determine that a written response does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk.
- (2) In Standing Order 8.07(5) for "printed in *Hansard*" substitute "published in *Hansard*".

#### **8. Answers to questions on notice**

In Standing Order 8.12(2) for "incorporated in *Hansard*" substitute "published".

#### **9. Statements on reports, papers and petitions**

Standing Order 9.10 is suspended and the following will apply:

##### **Statements on reports, papers and petitions**

- (1) At the time prescribed by Sessional Orders, any Member may make a statement on any report, paper or petition which has been tabled in the Council during the Session. A Member must give notice of a report, paper or petition proposed for discussion no later than during the appropriate time in formal business on the same day that statements on reports and papers are to be conducted. A Member may propose not more than one report, paper or petition for discussion each week.
- (2) Nothing in this Standing Order will preclude a Member from —
  - (a) giving notice of a report, paper or petition previously discussed; or
  - (b) giving notice of a motion to take note of a report, paper or petition for consideration during General Business.
- (3) Subject to the provisions of Standing Order 8.13, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

#### **10. Disorderly conduct – Member ordered to withdraw: application during questions without notice**

Notwithstanding Standing Order 13.02(2), if —

- (1) a Member is ordered to withdraw from the House under Standing Order 13.02(1) during questions without notice; and
- (2) the time for questions without notice concludes before the expiration of the suspension period —

the Member may return to the Chamber at the conclusion of question time and must serve the remainder of their suspension during the next occurrence of questions without notice.

#### **11. Committee of the whole — time limits**

- (1) For the purposes of Standing Orders 15.04(2)(b) and 15.06(3), a Member may speak for a maximum of 5 minutes per contribution.
- (2) No time limit applies to contributions made by —
  - (a) the Minister or Member in charge of the Bill; or
  - (b) a Member answering questions in accordance with Standing Order 15.04(3) —  
when participating in debate at the Table.

#### **12. Report from Committee of the whole — chairing arrangements**

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the House.

**13. Video on Demand**

- (1) Standing Order 20.03(1) is suspended.
- (2) In Standing Order 20.03(2) for “Audio-visual proceedings republished under this Standing Order are” substitute “Rebroadcast of an official broadcast is permitted”.

**14. Standing Committees — arrangements**

For the purposes of Standing Orders 23.01, 23.02 and 23.05, references to “legislative committee(s)”, “legislation committee(s)” and “references committee(s)”, wherever occurring, should be read as “standing committee(s)”.

**15. Standing Committees — appointment of Members**

Standing Order 23.03 is suspended and the following will apply:

- (1) Having regard to the proportionality of parties and independents in the Council, the —
  - (a) Economy and Infrastructure Committee will consist of seven Members;
  - (b) Legal and Social Issues Committee will consist of seven Members; and
  - (c) Environment and Planning Committee will consist of ten Members.
- (2) Government Members will be nominated by the Leader of the Government in the Council.
- (3) Opposition Members will be nominated by the Leader of the Opposition in the Council.
- (4) Members from among the remaining Members in the Council will be nominated jointly by those minor parties and independent Members from which they are drawn.
- (5) For the purposes of (4) —
  - (a) nominations shall be determined by agreement between the minor parties and independent Members;
  - (b) if agreement cannot be reached, the President shall be notified of such and the appointment of Members shall be determined by the Council;
  - (c) in making appointments under (5)(b), the Council must have regard to the proportionality of minor party and independent Members in the Council insofar as it is practicable to do so.

**16. Standing Committees — quorum**

Standing Order 23.04(1) is suspended and the following will apply:

- (1) Four Members of each committee will constitute a quorum of the committee, unless expressly stated otherwise.
- (2) Six Members of the Environment and Planning Standing Committee will constitute a quorum of the committee.
- (3) For the purposes of Standing Order 23.04 a participating member must not be counted for the purpose of forming a quorum.

**17. Substitute Members**

Standing Order 23.05(4) is suspended.

**18. Procedure Committee**

In Standing Order 23.08(3) for “seven” substitute “nine”.

**19. Privileges Committee**

In Standing Order 23.09(2) for “seven” substitute “nine”.

**20. Committee meetings — audio and audio visual links**

Standing Order 23.16(5) is suspended and the following will apply:

- (1) Members of a committee may attend and participate in meetings of the committee by audio or audio visual link, be counted for the purposes of quorum, and vote on any question before the committee.
- (2) Participating members of a committee may attend and participate in meetings of the committee by audio or audio visual link.

- (3) A Member seeking to attend a meeting by audio or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for technological arrangements to be put in place to facilitate the link.
- (4) Members physically present at the meeting must be satisfied that the audio or audio visual link is of sufficient quality to —
  - (a) verify the identity of the Member attending via the link; and
  - (b) enable meaningful participation in the meeting by that Member.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Mr Davis moved, as amendments —

1. In paragraph (1), **omit** the words “on Thursday, 21 March 2019” and **insert** in their place “on the next sitting day”.
2. In paragraph (1), after Sessional Order 4, **insert** the following Sessional Order:

**“X. Order of Business**

Standing Order 5.02(5) is suspended and the following order of business will apply on Friday —

Messages

Formal Business

General Business (maximum 2 hours)

Government Business

**At 12 noon** Questions

Answers to Questions on Notice

Government Business (continues)

**At 4.00 p.m.** Adjournment (maximum 30 minutes)”

3. In paragraph (1), in Sessional Order 5, **omit** paragraph (7).
4. In paragraph (1), in Sessional Order 5, **omit** paragraph (8).
5. In paragraph (1), after Sessional Order 5, **insert** the following Sessional Order:

**“X. Ministers’ statements**

After Standing Order 5.14(6) insert:

- (7) At the conclusion of formal business, and prior to statements by Members under Standing Order 5.13 (where applicable), up to five Ministers may make a Minister’s statement, of up to two minutes per statement, to advise the House of new Government initiatives, projects, and achievements.”.

6. In paragraph (1), in Sessional Order 5, after paragraph (4) **insert** the following new paragraph:

“(X) In Standing Order 5.03 insert the following:

***Order for the production of documents motions (Standing Order 11.01)***

Total time 1 hour

Each Member 10 minutes”

7. In paragraph (1), in Sessional Order 6, in the heading **omit** “**and Ministers’ statements**”.
8. In paragraph (1), in Sessional Order 6, **omit** paragraph (3).
9. In paragraph (1), in Sessional Order 6, in paragraph (4) **omit** the words “and four Ministers’ statements have been made”.
10. In paragraph (1), after Sessional Order 9, **insert** the following Sessional Order:

**“X. Order for the production of documents**

After Standing Order 11.01(1), insert the following:

- (2) The debate on any motion under this Standing Order shall not exceed one hour and if the time limit is reached, the Chair will put the question(s) forthwith without any further debate.”.
11. In paragraph (1), **omit** Sessional Order 10.
12. In paragraph (1), in Sessional Order 11, in paragraph (1) **omit** the words “5 minutes per contribution” and **insert** in their place the words “10 minutes for their initial contribution on the Bill and a maximum of 5 minutes for each subsequent contribution.”.
13. In paragraph (1), **omit** Sessional Order 12.
14. In paragraph (1), after Sessional Order 14, **insert** the following Sessional Order:  
 “Standing Order 23.02(4) is suspended and the following will apply:  
 (4) Standing Committees may inquire into, hold public hearings, consider and report on any matter, including on any Bills or draft Bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.  
 (a) Each Standing Committee may only undertake a maximum of two own-motion inquiries each calendar year.”.
15. In paragraph (1), in Sessional Order 15, **omit** paragraph (1) and **insert** in its place:  
 “(1) Appointment of Members to Standing Committees will be as follows:  
 (a) the Economy and Infrastructure Committee will consist of seven Members, with three Government Members, two Opposition Members and two Members from among the remaining minor parties and independent Members.  
 (b) the Legal and Social Issues Committee will consist of seven Members, with three Government Members, two Opposition Members and two Members from among the remaining minor parties and independent Members.  
 (c) the Environment and Planning Committee will consist of ten Members, with four Government Members, three Opposition Members and three Members from among the remaining minor parties and independent Members.”.

Debate ensued.

Mr Davis, by leave, withdrew Amendment Nos. 6 and 10.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 19

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; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mrs McArthur)*

NOES, 21

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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: Ms Garrett and Mr Gepp)*

Question negatived.

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

Question — That Amendment Nos. 3 and 4 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Lovell and Ms Wooldridge)*

## NOES, 29

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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: Dr Ratnam and Ms Stitt)*

Question negatived.

Question — That Amendment No. 5 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 12

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

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

## NOES, 28

Mr Barton; Mr Bourman; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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: Mr Barton and Mr Hayes)*

Question negatived.

Mr Davis, by leave, withdrew Amendment Nos. 7, 8 and 9.

Question — That Amendment No. 11 moved by Mr Davis be agreed to — put and negatived.

Question — That Amendment No. 12 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 21

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; 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: Mrs McArthur and Mr Ondarchie)*

## NOES, 19

Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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: Dr Kieu and Mr Somyurek)*

Question agreed to.

Question — That Amendment No. 13 moved by Mr Davis be agreed to — put and negatived.

Question — That Amendment No. 14 moved by Mr Davis be agreed to — put and agreed to.

Question — That Amendment No. 15 moved by Mr Davis be agreed to — put and negatived.

Question — That the motion, moved by Mr Jennings, amended as follows, be agreed to — That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation on Thursday, 21 March 2019:

**1. Days and hours of meeting**

- (1) Standing Order 4.01(1)(a) is suspended to the extent necessary so as to provide that the hour of meeting of the Council on Tuesday will be at 12.00 noon.
- (2) After Standing Order 4.01(2) insert the following:
  - (3) Unless otherwise ordered by the Council, the House will suspend for a meal break on Tuesday and Thursday at 6.30 p.m. for 60 minutes.

- (b) A Member may move, without leave, to suspend or alter the duration of the meal break in (3)(a). The Chair will put the question forthwith without debate.

**2. Interruption of debate — Messages**

In Standing Order 4.07(7) for “will” substitute “may”.

**3. Extension of sitting — Committee of the whole**

For the purposes of Standing Order 4.08, a declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.

**4. Order of business**

Standing Order 5.02(2) and (3) is suspended and the following order of business will apply on Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 12 noon** Questions

Answers to Questions on Notice

General Business (until 5.15 p.m.)

**At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 60 minutes)

**At 6.45 p.m.** Adjournment (up to 20 Members)

**5. Order of business**

Standing Order 5.02(5) is suspended and the following order of business will apply on Friday —

Messages

Formal Business

General Business (maximum 2 hours)

Government Business

**At 12 noon** Questions

Answers to Questions on Notice

Government Business (continues)

**At 4.00 p.m.** Adjournment (maximum 30 minutes)

**6. Time limits**

- (1) Standing Order 5.03 is suspended to the extent necessary so as to provide that the total time for statements on reports, papers and petitions is 30 minutes.

- (2) In Standing Order 5.03, for “**Statements on reports and papers (Standing Order 9.10)**” substitute “**Statements on reports, papers and petitions (Standing Order 9.10)**”.

- (3) Standing Order 5.03 Time limits *Government Business (Standing Order 5.06)* is suspended and the following will apply:

**Government Business (Standing Order 5.06)**

Total time	No limit
Main Government lead speaker	30 minutes
Main Opposition lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

- (4) Standing Order 5.03 Time limits *General Business (Standing Order 5.07)* is suspended and the following will apply:

**General Business (Standing Order 5.07)**

Total time	90 minutes
Mover/Sponsor	30 minutes



- |                              |            |
|------------------------------|------------|
| Main Government lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (5) In Standing Order 5.03 Time limits, insert the following new Sessional Order:  
**Private Member Bills — second reading debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Mover/Sponsor                | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (6) Standing Order 5.03 Time limits *Questions without notice (Standing Order 8.04)* is suspended and the following will apply:  
**Questions without notice (Standing Order 8.04)**
- |                   |           |
|-------------------|-----------|
| Each Member       | 1 minute  |
| Minister's answer | 3 minutes |
- (7) Standing Order 5.03 Time limits *Government Bills — second reading debate* is suspended and the following will apply:  
**Government Bills — second reading debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- (8) Standing Order 5.03 Time limits *Budget debate* is suspended and the following will apply:  
**Budget debate**
- |                              |            |
|------------------------------|------------|
| Total time                   | No limit   |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers          | 30 minutes |
| Remaining speakers           | 15 minutes |
- 7. Questions without notice and Ministers' statements**  
Standing Order 8.04 is suspended and the following will apply:
- (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
  - (2) Only non-Government Members may ask oral questions without notice.
  - (3) After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.
  - (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.
- 8. Content of answers**
- (1) After Standing Order 8.07(2) insert the following:
    - (2)(a) The President will determine the adequacy of a written response to a question provided under this Standing Order. The President may determine that a written response does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk.
  - (2) In Standing Order 8.07(5) for "printed in *Hansard*" substitute "published in *Hansard*".
- 9. Answers to questions on notice**  
In Standing Order 8.12(2) for "incorporated in *Hansard*" substitute "published".
- 10. Statements on reports, papers and petitions**  
Standing Order 9.10 is suspended and the following will apply:

### **Statements on reports, papers and petitions**

- (4) At the time prescribed by Sessional Orders, any Member may make a statement on any report, paper or petition which has been tabled in the Council during the Session. A Member must give notice of a report, paper or petition proposed for discussion no later than during the appropriate time in formal business on the same day that statements on reports and papers are to be conducted. A Member may propose not more than one report, paper or petition for discussion each week.
- (5) Nothing in this Standing Order will preclude a Member from —
  - (a) giving notice of a report, paper or petition previously discussed; or
  - (b) giving notice of a motion to take note of a report, paper or petition for consideration during General Business.
- (6) Subject to the provisions of Standing Order 8.13, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

### **11. Disorderly conduct — Member ordered to withdraw: application during questions without notice**

Notwithstanding Standing Order 13.02(2), if —

- (1) a Member is ordered to withdraw from the House under Standing Order 13.02(1) during questions without notice; and
- (2) the time for questions without notice concludes before the expiration of the suspension period —

the Member may return to the Chamber at the conclusion of question time and must serve the remainder of their suspension during the next occurrence of questions without notice.

### **12. Committee of the whole — time limits**

- (1) For the purposes of Standing Orders 15.04(2)(b) and 15.06(3), a Member may speak for a maximum of 10 minutes for their initial contribution on the Bill and a maximum of 5 minutes for each subsequent contribution.
- (2) No time limit applies to contributions made by —
  - (a) the Minister or Member in charge of the Bill; or
  - (b) a Member answering questions in accordance with Standing Order 15.04(3) —
 when participating in debate at the Table.

### **13. Report from Committee of the whole — chairing arrangements**

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the House.

### **14. Video on Demand**

- (1) Standing Order 20.03(1) is suspended.
- (2) In Standing Order 20.03(2) for "Audio-visual proceedings republished under this Standing Order are" substitute "Rebroadcast of an official broadcast is permitted".

### **15. Standing Committees — arrangements**

For the purposes of Standing Orders 23.01, 23.02 and 23.05, references to "legislative committee(s)", "legislation committee(s)" and "references committee(s)", wherever occurring, should be read as "standing committee(s)".

### **16. Standing Committees — arrangements**

Standing Order 23.02(4) is suspended and the following will apply:

- (4) Standing Committees may inquire into, hold public hearings, consider and report on any matter, including on any Bills or draft Bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.

- (a) Each Standing Committee may only undertake a maximum of two own-motion inquiries each calendar year.

#### **17. Standing Committees — appointment of Members**

Standing Order 23.03 is suspended and the following will apply:

- (1) Having regard to the proportionality of parties and independents in the Council, the —
  - (a) Economy and Infrastructure Committee will consist of seven Members;
  - (b) Legal and Social Issues Committee will consist of seven Members; and
  - (c) Environment and Planning Committee will consist of ten Members.
- (2) Government Members will be nominated by the Leader of the Government in the Council.
- (3) Opposition Members will be nominated by the Leader of the Opposition in the Council.
- (4) Members from among the remaining Members in the Council will be nominated jointly by those minor parties and independent Members from which they are drawn.
- (5) For the purposes of (4) —
  - (a) nominations shall be determined by agreement between the minor parties and independent Members;
  - (b) if agreement cannot be reached, the President shall be notified of such and the appointment of Members shall be determined by the Council;
  - (c) in making appointments under (5)(b), the Council must have regard to the proportionality of minor party and independent Members in the Council insofar as it is practicable to do so.

#### **18. Standing Committees — quorum**

Standing Order 23.04(1) is suspended and the following will apply:

- (1) Four Members of each committee will constitute a quorum of the committee, unless expressly stated otherwise.
- (2) Six Members of the Environment and Planning Standing Committee will constitute a quorum of the committee.
- (3) For the purposes of Standing Order 23.04 a participating member must not be counted for the purpose of forming a quorum.

#### **19. Substitute Members**

Standing Order 23.05(4) is suspended.

#### **20. Procedure Committee**

In Standing Order 23.08(3) for “seven” substitute “nine”.

#### **21. Privileges Committee**

In Standing Order 23.09(2) for “seven” substitute “nine”.

#### **22. Committee meetings — audio and audio visual links**

Standing Order 23.16(5) is suspended and the following will apply:

- (1) Members of a committee may attend and participate in meetings of the committee by audio or audio visual link, be counted for the purposes of quorum, and vote on any question before the committee.
- (2) Participating members of a committee may attend and participate in meetings of the committee by audio or audio visual link.
- (3) A Member seeking to attend a meeting by audio or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for technological arrangements to be put in place to facilitate the link.
- (4) Members physically present at the meeting must be satisfied that the audio or audio visual link is of sufficient quality to —
  - (a) verify the identity of the Member attending via the link; and
  - (b) enable meaningful participation in the meeting by that Member.

- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution — put and agreed to.

**15 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) 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, Dr Ratnam (two sets) and Mr Barton were circulated.

Mr Rich-Phillips moved, as a reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be referred to the Economy and Infrastructure Committee for inquiry, consideration and report, by 7 May 2019, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

Debate ensued.

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

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

Debate continued.

*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.

Debate continued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — the President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Limbrick and Ms Wooldridge)*

NOES, 22

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Mikakos and Ms Vaghela)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — the President in the Chair.

AYES, 26

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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 Elasmarr and Mr Meddick)*

## 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: Ms Lovell and Mr Rich-Phillips)

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**16 ADJOURNMENT** — Mr Jennings 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 11.40 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 11 — Wednesday, 20 March 2019

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

2 **PETITIONS** —

**BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 422 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to address the funding shortfall to Bush Nursing Centres in rural Victoria and to ensure this vital service remains sustainable for the future.

Ordered to lie on the Table.

\* \* \* \* \*

**BILLS STREET PUBLIC HOUSING ESTATE** — Mr Davis presented a Petition bearing 53 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Boroondara Council remains the responsible authority for planning decisions relating to both the Bills Street Public Housing Estate and neighbouring University of Melbourne sites, that a two to three storey height limit is enforced and the re-development incorporates a component of new public housing and is not sold off to private developers.

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:

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the implementation of environmental management systems in Victorian Government 2017-18.

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations, pursuant to section 464Z(2) of the Act.

Crown Land (Reserves) Act 1978 — Minister's Order of 15 January 2019 giving approval to grant a lease at Domain Parklands Reserve.

Judicial Entitlements Act 2015 — Advisory opinion to the Attorney-General, January 2019, pursuant to section 33 of the Act.

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

Greater Dandenong, Whittlesea and Yarra Ranges Planning Schemes — Amendment GC123.

Macedon Ranges Planning Scheme — Amendment C128.

Yarra Planning Scheme — Amendments 261 and 262.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of Determination of Fees for Bus Driver Accreditation, Annual Permissions, Annual Registrations and Accredited Drivers, under the Commercial

Passenger Vehicle Industry Act 2017 and the Transport (Compliance and Miscellaneous) Act 1983.

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

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

**6 PARTIAL REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK** — Mr Rich-Phillips moved, That, pursuant to sections 15(3), 15B(6) and 15D(7) of the *Melbourne City Link Act 1995*, this House partially revokes the —

- (1) Fourth Deed Amending Master Security Deed;
  - (2) Melbourne City Link Thirty-seventh Amending Deed;
  - (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed; and
  - (4) Exhibition Street Extension Eighteenth Amending Deed;
- to the extent necessary so that the provisions for setting, adjusting and escalating tolls, howsoever described, and the Final Expiry Date, and dates of Handover and Handback, if any, are returned to those in place on 14 February 2019.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

\* \* \* \* \*

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

- **Tree removal – Western Highway upgrade** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Friday, 22 March 2019.
- **Fuel reduction burning** — substantive and supplementary questions asked by Mr Quilty — response from Mr Jennings due Friday, 22 March 2019.
- **Local government building inspectors** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 22 March 2019.

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

**9 PARTIAL REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK** — Debate continued on the question, That, pursuant to sections 15(3), 15B(6) and 15D(7) of the *Melbourne City Link Act 1995*, this House partially revokes the —

- (1) Fourth Deed Amending Master Security Deed;
  - (2) Melbourne City Link Thirty-seventh Amending Deed;
  - (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed; and
  - (4) Exhibition Street Extension Eighteenth Amending Deed;
- to the extent necessary so that the provisions for setting, adjusting and escalating tolls, howsoever described, and the Final Expiry Date, and dates of Handover and Handback, if any, are returned to those in place on 14 February 2019.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

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

(Tellers: Mr Davis and Dr Ratnam)

## NOES, 22

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Dalidakis and Ms Stitt)*

Question negatived.

**10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — FLAMMABLE BUILDING CLADDING** — Mr Davis moved, That this House —

- (1) acknowledges the risk that flammable cladding on the exterior of buildings poses to the Victorian community, particularly in the light of the Lacrosse apartment fire and the recent Neo200 tower fire;
- (2) notes that the —
  - (a) cladding on these two buildings and hundreds of others across Melbourne and Victoria is the same or similar to the material involved in recent international incidents;
  - (b) Government's loan scheme to remove the dangerous cladding places the financial burden on apartment owners and owners corporations instead of those responsible for allowing dangerous cladding to be used on buildings;
- (3) requires that the Environment and Planning Committee inquire into, consider and report within four months after the Committee first meets on the adequacy of the Government's response to the identification of buildings throughout Victoria that are at risk due to flammable cladding, including, but not limited to —
  - (a) the Cladding Rectification Agreements;
  - (b) the impact on home-owners being required to fund cladding rectification and the impact of loan arrangements, including the impact on credit ratings and finances;
  - (c) the impact on apartment prices and insurance premiums;
  - (d) the response of local councils to the Government's Cladding Rectification Agreements scheme;
  - (e) alternative policies for ensuring the dangerous flammable cladding on Victorian buildings is replaced urgently, including where the burden of cost should lie;
  - (f) the impact of the Government's response on home-owners facing financial hardship;
  - (g) the adequacy of the Victorian Building Authority's audit and cladding taskforce;
  - (h) building regulations that apply to cladding, including the national construction code;
  - (i) any other matters the committee considers relevant;

and further requires the Committee to examine the evidence in light of relevant national and international learnings.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Limbrick)*

NOES, 21

Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Taylor and Ms Tierney)*

Question negatived.

**11 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC WORKS PROJECTS** — Mr Davis moved, That this House —

- (1) requires the Economy and Infrastructure Committee to inquire into, consider and report, at least once every six months, 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 Westgate Tunnel Project;
  - (d) the North East Link Project;
  - (e) the Murray Basin Rail Project;
  - (f) the Suburban Rail Loop Project;
  - (g) any 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" means works —
    - (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.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Melhem.*

**12 STATEMENTS ON REPORTS AND PAPERS** — A statement on a report was made by a Member pursuant to Standing Order 9.10.

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

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

And then the Council, at 5.55 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 12 — Thursday, 21 March 2019

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

2 **PAPERS** —

**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE PROPOSED LONG-TERM LEASE OF LAND TITLES AND REGISTRY FUNCTIONS OF LAND USE VICTORIA** — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Environment and Planning Standing Committee's Inquiry into the proposed long-term lease of land titles and registry functions of Land Use Victoria.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Access to Mental Health Services, March 2019 (*Ordered to be published*).

Criminal Organisations Control Act 2012 — Report, 2017-18 by Victoria Police, pursuant to section 133.

Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2018 (*Ordered to be published*).

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2017-18.



Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Determination of the Gaming Machine Entitlement Allocation and Transfer Rules under the Gambling Regulation Act 2003, dated 21 February 2019.

- 3 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 30 April 2019.

Question — put and agreed to.

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

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 57, be postponed until later this day.

- 7 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

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

\* \* \* \* \*

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

- **BlueChip20 – Treasurer** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Monday, 25 March 2019.
- **VH plates – registration** — supplementary question asked by Mr Barton — response from Ms Pulford due Friday, 22 March 2019.
- **Compensation to prisoners** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Monday, 25 March 2019.
- **Lobbying register – Member for Burwood** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Friday, 22 March 2019.
- **Solitary confinement and reoffending** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Monday, 25 March 2019.

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

- 10 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019** — Bill further considered in Committee of the whole.

Bill reported without amendment, 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, 24

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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 Melhem and Ms Shing)*

NOES, 16

Mr Atkinson; Mr Bourman; 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 Limbrick and Mr Quilty)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 ENERGY LEGISLATION AMENDMENT (VICTORIAN DEFAULT OFFER) 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 TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) 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 Rich-Phillips were circulated.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that 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 the power to consider amendments to the *Road Safety Act 1986* to provide for medicinal cannabis to be treated in the same manner as other prescription drugs in relation to impairment while driving offences.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 COUNCIL STANDING COMMITTEES — ALLOCATION OF GOVERNMENT DEPARTMENTS FOR OVERSIGHT —** Mr Jennings moved, by leave, That Departments (including agencies and public entities within those Departments) be allocated to Council Standing Committees as follows:

(1) Economy and Infrastructure Standing Committee —

Department of Education and Training

Department of Jobs, Precincts and Regions

Department of Transport

Department of Treasury and Finance

(2) Environment and Planning Standing Committee —

Department of Environment, Land, Water and Planning

Department of Premier and Cabinet

(3) Legal and Social Issues Standing Committee —

Department of Health and Human Services

Department of Justice and Community Safety.

Question — put and agreed to.

**14 COMMITTEE MEMBERSHIP APPOINTMENTS —** Mr Jennings moved, by leave, That —

(1) Members be appointed to joint committees as follows:

(a) **Integrity and Oversight Committee** — Mr Grimley and Ms Shing;

(b) **Public Accounts and Estimates Committee** — Mr Dalidakis and Ms Stitt;

(c) **Dispute Resolution Committee** — Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge;

- (d) **House Committee** — Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt;
- (2) Members be appointed to Council committees as follows:
- (a) **Privileges Committee** — Mr Atkinson, Mr Bourman, Ms Crozier, Mr Elasmarr, Mr Grimley, Mr Jennings, Mr Rich-Phillips, Ms Shing and Ms Tierney;
- (b) **Procedure Committee** — The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes;
- (c) **Economy and Infrastructure Standing Committee** — Mr Barton, Mr Elasmarr, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Ms Terpstra;
- (d) **Environment and Planning Standing Committee** — Mr Atkinson, Ms Bath, Mr Bourman, Mr Hayes, Mr Limbrick, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra;
- (e) **Legal and Social Issues Standing Committee** — Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Vaghela;
- (3) Members be appointed to Council committees as participating members as follows:
- (a) **Economy and Infrastructure Standing Committee** — Mr Davis, Mr Ondarchie, Mr Rich-Phillips and Ms Wooldridge;
- (b) **Environment and Planning Standing Committee** — Mr Davis and Ms Crozier; and
- (c) **Legal and Social Issues Standing Committee** — Ms Bath, Ms Crozier and Mr O'Donohue.

Question — put and agreed to.

- 15 AUDIT AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments certain provisions of the Audit Act 1994 and to extend and modernise the duties, powers and functions of the Auditor-General and the Victorian Auditor-General's Office, to clarify the rights and obligations of entities audited by the Auditor-General, to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

- 16 ESSENTIAL SERVICES COMMISSION AMENDMENT (GOVERNANCE, PROCEDURAL AND ADMINISTRATIVE IMPROVEMENTS) BILL 2019** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Essential Services Commission Act 2001 and the Victorian Civil and Administrative Tribunal Act 1998, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 17 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Transport Projects Facilitation Act 2009 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**18 OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2019** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Open Courts Act 2013 in relation to the prohibition and restriction of the publication of information in court and tribunal proceedings, to make related amendments to the Children, Youth and Families Act 2005 and the Judicial Proceedings Reports Act 1958 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

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

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

And then the Council, at 7.08 p.m., adjourned until Tuesday, 30 April 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 10, 11 and 12

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### WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019

*Committed Thursday, 21 March 2019*

*Amendments circulated: Mr Rich-Phillips (see p. 101), Mr Barton (see pp. 101-5) and Dr Ratnam (set A and set B) (see pp. 105-108).*

**Clause 1** — Mr Barton moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 14** — put and agreed to.

**Clause 15** — Mr Rich-Phillips moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Grimley)*

NOES, 22

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Gepp and Ms Stitt)*

Question negatived.

Clause 15 — put and agreed to.

**Clauses 16 to 23** — put and agreed to.

**Clause 24** — Mr Barton moved Amendment No. 38.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Mr Bourman; Mr Grimley; Mr Hayes; Ms Maxwell.

*(Tellers: Mr Barton and Mr Bourman)*

NOES, 35

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; 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 Ms Patten)*

Question negatived.

Clause 24 — put and agreed to.

**Clauses 25 to 31** — put and agreed to.

**Clause 32** — Dr Ratnam moved Amendment Nos. 1 to 3 (set A).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Hayes; Dr Ratnam.

*(Tellers: Mr Hayes and Dr Ratnam)*

NOES, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; 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 Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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: Mr Quilty and Ms Shing)*

Question negated.

Clause 32 — put and agreed to.

**Clause 33** — Mr Barton moved Amendment No. 48.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

*(Tellers: Mr Bourman and Ms Patten)*

NOES, 22

Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Mikakos; 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 Grimley)*

Question negated.

Clause 33 — put and agreed to.

**Clauses 34 to 76** — put and agreed to.

**Part Heading preceding clause 77** — Dr Ratnam moved Amendment No. 4 (set A).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Mr Barton; Ms Bath; 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 Finn and Mr Ondarchie)*

NOES, 25

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; 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 Somyurek and Ms Symes)*

Question negatived.

Part heading preceding clause 77 — put and agreed to.

**Clauses 77 to 146** — put and agreed to.

**Clause 147** — Dr Ratnam moved Amendment No. 1 (set B).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Dr Ratnam.

(*Tellers: Ms Maxwell and Dr Ratnam*)

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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 Pulford and Ms Symes*)

Question negatived.

Clause 147 — put and agreed to.

**Clauses 148 to 154** — put and agreed to.

**Bill reported without amendment.**

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## **TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018**

*Committed Thursday, 21 March 2019*

*Amendments circulated: Mr Rich-Phillips (see p. 108) and Ms Patten (see p. 108).*

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

**Clause 1** — Ms Patten moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

(*Tellers: Ms Patten and Dr Ratnam*)

NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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: Mr Elasmarr and Ms Shing*)

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Mr Rich-Phillips moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

*(Tellers: Mr Finn and Mrs McArthur)*

NOES, 26

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Mr Melhem and Ms Stitt)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 57** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018***Amendments circulated by Mr Rich-Phillips*

1. Clause 15, line 10, omit "both Houses" and insert "either House".
2. Clause 15, line 13, omit "each" and insert "that".

*Amendments circulated by Mr Barton*

1. Clause 1, page 2, lines 20 to 24, omit all words and expressions on these lines.
2. Clause 3, page 5, line 2, omit "or trailer".
3. Clause 3, page 5, line 4, omit "or trailer".
4. Clause 3, page 5, line 6, omit "or trailer was a stolen vehicle or trailer" and insert "was a stolen vehicle".
5. Clause 3, page 5, line 8, omit "or trailer".
6. Clause 3, page 5, line 14, omit "or trailer".
7. Clause 3, page 5, lines 19 and 20, omit "or trailer or the vehicle to which the trailer was attached".
8. Clause 3, page 5, lines 25 to 27, omit "or trailer or the vehicle to which the trailer was attached".
9. Clause 3, page 6, line 12, omit "or trailer".
10. Clause 3, page 6, line 16, omit "or trailer".
11. Clause 3, page 6, line 19, omit "or trailer".
12. Clause 3, page 6, lines 25 and 26, omit "or trailer".
13. Clause 3, page 6, line 32, omit "or trailer".
14. Clause 3, page 6, line 33, omit "or trailer".
15. Clause 3, page 7, line 2, omit "or trailer".
16. Clause 3, page 7, line 6, omit "or trailer".
17. Clause 3, page 7, line 12, omit "or trailer".
18. Clause 3, page 7, line 16, omit "or trailer".
19. Clause 3, page 7, line 18, omit "or trailer".
20. Clause 3, page 7, lines 23 and 24, omit "or trailer".
21. Clause 3, page 7, line 25, omit "or trailer".
22. Clause 3, page 7, line 35, omit "or trailers".
23. Clause 3, page 8, line 2, omit "or trailer".
24. Clause 3, page 8, line 4, omit "or trailer".
25. Clause 3, page 8, line 5, omit "or trailer".

26. Clause 3, page 8, line 13, omit "or trailer".
27. Clause 3, page 10, lines 1 and 2, omit "vehicle or trailer," and insert "vehicle,".
28. Clause 3, page 10, line 3, omit "or the trailer".
29. Clause 3, page 10, lines 6 and 7, omit "or trailer".
30. Clause 3, page 10, line 13, omit "or trailer".
31. Clause 3, page 10, line 17, omit "or trailer".
32. Clause 3, page 10, lines 19 and 20, omit "or trailer".
33. Clause 3, page 10, line 26, omit "or trailer".
34. Clause 3, page 10, line 29, omit "or trailer".
35. Clause 3, page 10, line 31, omit "or trailer".
36. Clause 3, page 12, lines 1 and 2, omit all words and expressions on these lines.
37. Clause 24, lines 20 to 27, omit all words and expressions on these lines and insert—
  - "(2) The operator of a vehicle is taken to be the driver of a vehicle used in a toll zone for the purposes of subsection (1)."
38. Clause 24, after line 30 insert—
  - "(4) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—
    - (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 33;
    - (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 33;
    - (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 33."
39. Clause 25, line 8, omit "tolls." and insert "tolls; or".
40. Clause 25, after line 8 insert—
  - "(c) a vehicle driven by a person referred to in section 24(4)."
41. Clause 26, line 10, omit "or a trailer".
42. Clause 26, lines 18 and 19, omit "or the trailer".
43. Clause 26, lines 23 and 24, omit "or trailer".
44. Clause 26, page 27, line 6, omit "or trailer".
45. Clause 26, page 28, line 6, omit "or operator of the trailer".
46. Clause 27, page 29, line 1, omit "or the trailer".
47. Clause 29, lines 18 to 21, omit all words and expressions on these lines.
48. Clause 33, after line 17 insert—
  - "(4) On an application under subsection (2), the relevant West Gate Tunnel Corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle."
49. Clause 41, page 40, lines 5 to 9, omit all words and expressions on these lines.
50. Clause 41, page 40, line 28, omit "or trailer".

51. Clause 42, page 41, line 1, omit "or trailer".
52. Clause 42, page 41, line 8, omit "or trailer".
53. Clause 55, line 5, omit "or a trailer was towed".
54. Clause 56, line 22, omit "or trailer".
55. Clause 56, line 27, omit "or trailer".
56. Clause 56, line 30, omit "or trailer".
57. Clause 56, line 35, omit "or trailer".
58. Clause 56, page 53, line 6, omit "or trailer".
59. Clause 56, page 53, line 13, omit "or trailer".
60. Clause 56, page 53, line 21, omit "or trailer".
61. Clause 56, page 53, line 29, omit "or trailer".
62. Clause 59, line 15, omit "or trailer".
63. Clause 59, line 23, omit "or trailer".
64. Clause 61, lines 29 and 30, omit "or trailer".
65. Clause 77, line 13, omit "or a trailer".
66. Clause 92, lines 16 to 32, omit all words and expressions on these lines.
67. Clause 92, page 83, lines 1 to 36, omit all words and expressions on these lines.
68. Clause 92, page 84, lines 1 to 36, omit all words and expressions on these lines.
69. Clause 92, page 85, lines 1 to 34, omit all words and expressions on these lines.
70. Clause 92, page 86, lines 1 to 30, omit all words and expressions on these lines.
71. Clause 92, page 87, line 2, omit "definitions" and insert "definition".
72. Clause 92, page 87, line 4, omit "**2006**;" and insert ' **2006**.'. '.
73. Clause 92, page 87, lines 5 and 6, omit all words and expressions on these lines.
74. Clause 93, lines 8 to 15, omit all words and expressions on these lines.
75. Clause 93, after line 15 insert—

'After section 197(3) of the **EastLink Project Act 2004** insert—

"(4) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—

  - (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 205;
  - (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 205;
  - (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 205.'. '.
76. After clause 93, line 15, insert the following new clause:

**'93A Exemptions from toll and toll administration fees**

After section 198(4) of the **EastLink Project Act 2004** insert—

"(4A) A toll and toll administration fees are not payable under section 197 in respect of a vehicle driven by a person referred to in section 197(4).".'. .

77. Clause 94, omit this clause.  
 78. Clause 95, omit this clause.  
 79. After clause 97, page 89, line 14, insert the following new clause:

**'97A Registration of vehicles**

After section 205(4) of the **EastLink Project Act 2004** insert—

"(5) On an application under subsection (3), the Freeway Corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle.".'. .

80. Clause 99, lines 32 and 33, omit "or trailer".  
 81. Clause 101, omit this clause.  
 82. Clause 102, omit this clause.  
 83. Clause 103, line 22, omit "or trailer".  
 84. Clause 103, page 93, line 2, omit "or trailer".  
 85. Clause 112, page 99, line 5, omit "or trailer".  
 86. Clause 116, lines 29 to 31, omit all words and expressions on these lines.  
 87. Clause 116, page 100, lines 1 to 36, omit all words and expressions on these lines.  
 88. Clause 116, page 101, lines 1 to 36, omit all words and expressions on these lines.  
 89. Clause 116, page 102, lines 1 to 36, omit all words and expressions on these lines.  
 90. Clause 116, page 103, lines 1 to 35, omit all words and expressions on these lines.  
 91. Clause 116, page 104, lines 1 to 11, omit all words and expressions on these lines.  
 92. Clause 116, page 104, line 26, omit "Part;" and insert 'Part;'.  
 93. Clause 116, page 104, lines 28 and 29, omit all words and expressions on these lines.  
 94. Clause 117, lines 2 to 17, omit all words and expressions on these lines.  
 95. Clause 117, after line 17 insert—

'After section 72(4) of the **Melbourne City Link Act 1995** insert—

"(4A) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—

- (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 73A;
- (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 73A;
- (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 73A.".'. .

96. After clause 117, line 17, insert the following new clause:

**'117A Exemptions from toll administration fee**

After section 72A(a) of the **Melbourne City Link Act 1995** insert—

"(ab) that is driven by a person referred to in section 72(4A); or". ' .

97. Clause 118, omit this clause.

98. After clause 120, page 107, line 4, insert the following new clause:

**'120A Registration of vehicles**

After section 73A(4) of the **Melbourne City Link Act 1995** insert—

"(5) On an application under subsection (3), a relevant corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle." . '

99. Clause 123, omit this clause.

100. Clause 124, omit this clause.

101. Clause 125, lines 11 and 12, omit "or trailer".

102. Clause 125, lines 21 and 22, omit "or trailer".

Amendments circulated by Dr Ratnam (set A)

1. Clause 32, page 31, line 22, omit "7-day" and insert "90-day".

2. Clause 32, page 31, line 28, omit "7-day" and insert "90-day".

3. Clause 32, page 32, line 4, omit "7-day" and insert "90-day".

4. Part heading before clause 77, after "**Regulations**" insert "**and Reports**".

5. After clause 78, line 33 insert the following new clause:

**"78A Report on operations of toll road**

(1) At least once every 3 months, the West Gate Tunnel operator must provide a report to the Secretary on the operation of the West Gate Tunnel tollway containing the information specified in subsection (2) for the period to which the report relates.

(2) For the purposes of subsection (1), the specified information is the following—

(a) in relation to vehicles—

(i) the average number of vehicles using the West Gate Tunnel tollway each day; and

(ii) the average number of cars using the West Gate Tunnel tollway each day; and

(iii) the average number of motor cycles using the West Gate Tunnel tollway each day; and

(v) the average number of vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 using the West Gate Tunnel tollway each day;

(b) in relation to toll zones and vehicles—

(i) the average number of vehicles using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(ii) the average number of cars using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(iii) the average number of motor cycles using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(iv) the average number of vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day;

(c) in relation to revenue—

- (i) the total amount of revenue raised from vehicles tolled on the West Gate Tunnel tollway; and
  - (ii) the total amount of revenue raised from cars tolled on the West Gate Tunnel tollway; and
  - (iii) the total amount of revenue raised from motor cycles tolled on the West Gate Tunnel tollway; and
  - (iv) the total amount of revenue raised from vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 tolled on the West Gate Tunnel tollway;
- (d) in relation to toll zones and revenue—
- (i) the total amount of revenue raised from vehicles tolled on each of the West Gate Freeway, Hyde Street, Tunnel and City access; and
  - (ii) the total amount of revenue raised from cars tolled on each of the Hyde Street, Tunnel and City access; and
  - (iii) the total amount of revenue raised from motor cycles tolled on each of the Hyde Street, Tunnel and City access; and
  - (iv) the total amount of revenue raised from heavy commercial vehicles tolled on the West Gate Freeway access; and
  - (v) the total amount of revenue raised from high performance freight vehicles tolled on the West Gate Freeway access; and
  - (vi) the total amount of revenue raised from vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 tolled on each of the West Gate Freeway, Hyde Street, Tunnel and City access;
- (e) in relation to temporary registrations that are for a period of 24 hours—
- (i) the total number of temporary registrations purchased for—
    - (A) the West Gate Tunnel tollway; and
    - (B) the West Gate Tunnel tollway and City Link; and
  - (ii) the number of temporary registrations purchased for the West Gate Tunnel tollway for each of—
    - (A) cars; and
    - (B) motor cycles; and
    - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
  - (iii) the number of temporary registrations purchased for the West Gate Tunnel tollway and City Link for each of—
    - (A) cars; and
    - (B) motor cycles; and
    - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
  - (iv) the total amount of revenue from temporary registrations purchased for—
    - (A) the West Gate Tunnel tollway; and
    - (B) the West Gate Tunnel tollway and City Link;
  - (v) the total amount of revenue from temporary registrations purchased for the West Gate Tunnel tollway for each of—
    - (A) cars; and
    - (B) motor cycles; and

- (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
  - (vi) the total amount of revenue from temporary registrations purchased for the West Gate Tunnel tollway and City Link for each of—
    - (A) cars; and
    - (B) motor cycles; and
    - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
  - (f) in relation to heavy vehicles—
    - (i) the total number of heavy vehicles that were registered for the purpose of tolling without a multi-truck discount; and
    - (ii) the total number of heavy vehicles that were registered for the purpose of tolling with a multi-truck discount due to—
      - (A) making 5 to 8 trips each day; and
      - (B) making 9 or more trips each day; and
    - (iii) the total number of trips by a heavy vehicle in a toll zone that received the multi-road toll cap; and
    - (iv) the total number of trips by a heavy vehicle in a toll zone that received the night time discount;
  - (g) in relation to infringements—
    - (i) the total number of infringement notices issued under section 32(1); and
    - (ii) the total number of infringement notices issued under section 32(1) by residential postcode of the person on whom the infringement notice was served.
- (3) Within 3 days of receiving a report made under subsection (1), the Secretary must publish the report on the website of the Department of Transport."

6. Clause 97, line 23, omit "7-day" and insert "90-day".
7. Clause 97, line 29, omit "7-day" and insert "90-day".
8. Clause 97, page 89, line 5, omit "7-day" and insert "90-day".
9. Clause 120, line 17, omit "7-day" and insert "90-day".
10. Clause 120, line 23, omit "7-day" and insert "90-day".
11. Clause 120, line 29, omit "7-day" and insert "90-day".

Amendments circulated by Dr Ratnam (set B)

Clause 147, lines 11 to 13, omit all words and expressions on these lines and insert—

"**no-truck zone** means—

- (a) the following roads or road-related areas, at all times—
  - (i) Francis Street, Yarraville, between Cemetery Road and Hyde Street, Yarraville;
  - (ii) Somerville Road, Kingsville and Seddon, between Geelong Road and Whitehall Street, Kingsville and Seddon;
  - (iii) Williamstown Road, Yarraville, Seddon and Kingsville, between West Gate Freeway and Geelong Road (Princes Highway) Yarraville, Seddon and Kingsville;
  - (iv) Buckley Road, Seddon and Footscray, between Moreland Street and Geelong Road (Princes Highway), Seddon and Footscray;

- (v) Sunshine Road, Footscray, between Geelong Street and Geelong Road (Princes Highway), Footscray;
  - (vi) Moore Street, Footscray, between Barkly Street and Ballarat Road, Footscray;
  - (vii) Hudsons Road, Spotswood, between Booker Street and Melbourne Road, Spotswood;
  - (viii) Blackshaws Road, South Kingsville and Altona North, between Melbourne Road and Grieve Parade, South Kingsville and Altona North; and
- (b) a road or road-related area specified in a declaration made under section 65BE;".

## 2. TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

### Amendments circulated by Mr Rich-Phillips

1. Clause 3, line 31, omit "33" and insert "40".
2. Clause 3, page 5, line 3, omit "33" and insert "40".

### Amendments circulated by Ms Patten

1. Clause 1, page 2, line 3, after "procedures" insert ", driving and being in charge of vehicles while using a medicinal cannabis product".
2. Clause 2, line 2, after "Part 2," insert "sections 6(2) and (3) and 14A,".
3. Clause 6, line 5, before "In" insert "(1)".
4. Clause 6, after line 7 insert—
  - ' ( ) In section 3(1) of the **Road Safety Act 1986** insert the following definitions—
    - "medicinal cannabis product** has the same meaning as in the **Access to Medicinal Cannabis Act 2016**;
    - patient medicinal cannabis access authorisation** has the same meaning as in the **Access to Medicinal Cannabis Act 2016**;".
  - ( ) In section 3(1) of the **Road Safety Act 1986**, in the definition of **prescription drug**, after "that Act" insert "or the **Access to Medicinal Cannabis Act 2016**".

### NEW CLAUSE

5. After clause 14 insert—
  - '14A Offences involving alcohol or other drugs**
  - After section 49(3C) of the **Road Safety Act 1986** insert—
    - "(3D) Subsection (1)(bb), (bc), (h), (i) or (j) does not apply to a person who has present, in their blood or oral fluid, delta-9-tetrahydrocannabinol from a medicinal cannabis product that they have consumed or used in accordance with a patient medicinal cannabis access authorisation issued to them.".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 13, 14 and 15

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#### No. 13 — Tuesday, 30 April 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE GIOVANNI ANTONIO SGRO** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 18 March 2019, of the Honourable Giovanni Antonio Sgro and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Melbourne North Province from 1979 to 1992, and as Deputy President from 1984 to 1988.

And another Member having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **TERRORIST ATTACKS IN SRI LANKA** — Mr Jennings moved, by leave, That this House —
- (1) offers its deep and sincere condolences to the families, friends and loved ones of the innocent victims whose lives were tragically taken in the Sri Lankan bombings on Easter Sunday 21 April 2019;
  - (2) extends its sympathy and support to the families, friends and loved ones of the Victorian victims;
  - (3) sends a message of solidarity to Victoria's Sri Lankan community, and communities around the world;
  - (4) condemns all forms of violence and terrorism; and
  - (5) reaffirms its unwavering commitment to a strong multicultural and multifaith Victoria.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 4 **PORT CAMPBELL VOLUNTEER LIFESAVERS** — Statements were made by Members, by leave, regarding the deaths of two volunteer lifesavers in Port Campbell, Ross and Andrew Powell.

As a further mark of respect to the late Honourable Giovanni Antonio Sgro, the victims of the terrorist attacks in Sri Lanka and the Port Campbell volunteer lifesavers, the sitting was suspended for one hour.

*[Sitting suspended from 2.03 p.m. until 3.04 p.m.]*

- 5 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 26 March 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Energy Legislation Amendment (Victorian Default Offer) Act 2019*

*Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019*

*West Gate Tunnel (Truck Bans and Traffic Management) Act 2019.*

**6 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.

\* \* \* \* \*

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

- **Murray-Darling water storage and use** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 2 May 2019.
- **Youth crime** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Thursday, 2 May 2019.
- **Local planning height controls** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 2 May 2019.
- **Drug driving assessments** — supplementary question asked by Mr Limbrick — response from Ms Pulford due Thursday, 2 May 2019.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to questions without notice pursuant to Sessional Order 14 as follows:

- **Compensation to prisoners** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 2 May 2019.

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

**8 PETITION — BILLS STREET PUBLIC HOUSING ESTATE** — Mr Davis presented a Petition bearing 128 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Boroondara Council remains the responsible authority for planning decisions relating to both the Bills Street Public Housing Estate and neighbouring University of Melbourne sites, that a two to three storey height limit is enforced and the redevelopment incorporates a component of new public housing and is not sold off to private developers.

Ordered to lie on the Table.

**9 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE APPOINTMENT OF A PERSON TO CONDUCT THE FINANCIAL AUDIT OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Dalidakis presented a Report from the Public Accounts and Estimates Committee on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (including an Appendix).

Ordered to be published.

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

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 5 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**REPORT OF PBO OPERATIONS FOR THE 2018 VICTORIAN GENERAL ELECTION** — Pursuant to section 27 of the *Parliamentary Budget Officer Act 2017*, Mr Dalidakis laid on the Table a copy of the Report of PBO operations for the 2018 Victorian general election from the Parliamentary Budget Office.

Mr Dalidakis moved, That the Report be published.

Question — put and agreed to.

**OMBUDSMAN — REPORT ON FINES VICTORIA COMPLAINTS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Fines Victoria complaints, April 2019.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

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

Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera and Yarriambiack Planning Schemes — Amendment GC122.

Bayside Planning Scheme — Amendment C150.

Boroondara Planning Scheme — Amendment C309.

Brimbank Planning Scheme — Amendment C205.

Casey and Hume Planning Schemes — Amendment GC120.

Casey Planning Scheme — Amendment C204.

Knox Planning Scheme — Amendments C164 and C172.

Melbourne Planning Scheme — Amendments C298, C347 and C351.

Mildura Planning Scheme — Amendment C100 (Part 2).

Mitchell Planning Scheme — Amendment C123.

Mornington Peninsula Planning Scheme — Amendments C216 and C251.

Southern Grampians Planning Scheme — Amendment C51.

Stonnington Planning Scheme — Amendment C283.

Surf Coast Planning Scheme — Amendment C120.

Victoria Planning Provisions — Amendments VC156 and VC157.

Whittlesea Planning Scheme — Amendments C217 and C223.

Wodonga Planning Scheme — Amendment C121.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — No. 27.

County Court Act 1958 — Nos. 28 and 29.

Electricity Safety Act 1998 — No. 17.

Fines Reform Act 2014 — No. 16.

Freedom of Information Act 1982 — No. 25.

Magistrates' Court Act 1989 — No. 24.

Members of Parliament (Standards) Act 1978 — No. 23.

Supreme Court Act 1986 — Nos. 19 to 21.

Transport (Compliance and Miscellaneous) Act 1983 — No. 22.

Victorian Civil and Administrative Tribunal Act 1998 — No. 18.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 26.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 2, 15 to 25, 28 and 29.

Legislative Instruments and related documents under section 16B in respect of —

Gambling Regulation Act 2003 — Notice of 21 March 2019 fixing the value of gaming machine supervision charge for venue operators for 2017-18 under section 3.6.5A of the Act.

National Electricity (Victoria) Act 2005 —

Ministerial Order of 8 October 2018 for the modification of new Chapter 7 – Metering installation components.

Ministerial Order of 17 February 2019 for the modification of Chapter 7 of the National Electricity Rules.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Justice Legislation Amendment (Access to Justice) Act 2018 — Remaining Provisions of Part 6 — 12 April 2019 (*Gazette No. S135, 9 April 2019*).

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 15, 19, 23, 32 to 34, Parts 2 and 5 (other than sections 72 to 75) and Division 1 of Part 4 — 29 March 2019 (*Gazette No. S114, 26 March 2019*).

Residential Tenancies Amendment Act 2018 — Part 1, Sections 5(6), 123, 124 and 235 and Division 1 of Part 17 — 3 April 2019 (*Gazette No. S128, 2 April 2019*).

\* \* \* \* \*

A Proclamation of the Lieutenant-Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 — Section 109 — 1 May 2019 — Sections 100, 104 and 108 — 3 June 2019 (*Gazette No. S145, 16 April 2019*).

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 1 May 2019 —

- (1) Notice of Motion No. 61 standing in the name of Ms Bath referring a matter to the Economy and Infrastructure Committee relating to on-farm animal activist activity;
- (2) the notice of motion given this day by Mr Davis relating to the production of certain documents relating to GJK facility services;
- (3) the notice of motion given this day by Mr Hayes in relation to the local planning policy framework; and
- (4) the notice of motion given this day by Mr Grimley in relation to a presumptive compensation scheme for emergency service workers.

Question — put and agreed to.

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

Question — put and agreed to.

**12 ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — Mr Jennings moved, by leave, That Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty be members of the Electoral Matters Committee.

Question — put and agreed to.

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

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

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

**16 PARLIAMENTARY INTEGRITY ADVISER** — Mr Jennings moved, That this House establishes the position of Parliamentary Integrity Adviser in accordance with the following terms:

(1) **Provision of advice**

- (a) The Parliamentary Integrity Adviser is to advise any Member of Parliament, including former Members of Parliament, when asked to do so by that Member, on ethical issues and integrity matters concerning the exercise of his or her role as a Member of Parliament.
- (b) The Parliamentary Integrity Adviser's advice may be sought on a range of parliamentary matters including, but not limited to, the application of any legislation or other guidelines adopted by Parliament that are relevant to Members in their capacity as Members of Parliament, the use of Members' entitlements and declaration of potential conflicts of interests.

- (c) Any advice given by the Parliamentary Integrity Adviser should be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament, but must not constitute legal advice.

**(2) Education and training**

- (a) The Parliamentary Integrity Adviser is to provide periodic education and training to Members of Parliament about ethical issues and integrity matters concerning, but not limited to, the functions, roles, powers, and responsibilities of Members of Parliament.
- (b) The Parliamentary Integrity Adviser must provide —
  - (i) training to new Members of Parliament at the start of each Parliament;
  - (ii) training to new Members of Parliament who are elected at a by-election or appointed to fill a casual vacancy; and
  - (iii) training on any amendments or changes to the parliamentary standards and integrity system.

**(3) Records**

- (a) The Parliamentary Integrity Adviser is required to keep, for the duration of his or her tenure, a record of all advice given, including any supporting material and information upon which the advice is based.
- (b) Subject to (3)(e)(ii), the Parliamentary Integrity Adviser must not divulge, to any person, entity or committee of either House, other than the person who requested the advice —
  - (i) any information provided to him or her in the course of his or her duties under this Resolution;
  - (ii) the content or details of any advice given in accordance with this Resolution; — unless the person who requested the advice has given express permission for such information and/or advice to be made public.
- (c) The Parliamentary Integrity Adviser must not comply with any order for the production of records by either House relating to advice given by the Parliamentary Integrity Adviser unless the person who requested the advice —
  - (i) is a Member or former Member of the House that made the order; and
  - (ii) in the case of advice given under (1)(a)–(c), has sought to rely on the advice for any reason; and
  - (iii) has given express permission for the records to be released to the relevant House.
- (d) Subject to 3(e), if the Parliamentary Integrity Adviser considers that the confidential advice provided to a Member or former Member has been publicly misrepresented, the Parliamentary Integrity Adviser may release a statement to correct the misrepresentation.
- (e) In releasing a statement under (3)(d), the Parliamentary Integrity Adviser —
  - (i) must not publicise the advice provided unless the person who requested the advice has given express permission for it to be made public; or
  - (ii) if the person who requested the advice refuses permission for it to be made public, may release the advice to the Privileges Committee of the relevant House if that Committee makes a request as part of a related inquiry connected to that person.

**(4) Reporting**

- (a) At least once every 12 months, the Parliamentary Integrity Adviser will meet jointly with the Privileges Committees of the Assembly and the Council to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework.
- (b) The Parliamentary Integrity Adviser must, every 12 months, report to the Parliament on —
  - (i) advisory functions including —
    - (A) the number of ethical matters raised during the reporting period;

- (B) the number of Members and former Members who sought advice during the reporting period;
    - (C) the number of times advice was given during the reporting period; and
    - (D) the amount of time spent in the course of performing duties under the terms of this Resolution during the reporting period; and
  - (ii) education functions including —
    - (A) the number of training sessions provided during the reporting period, and the number of members who attended each training session; and
    - (B) a brief description of the content of training sessions and any other training provided during the reporting period.
  - (c) The Parliamentary Integrity Adviser may, at his or her discretion, report to the Parliament from time to time on —
    - (i) any issues with the parliamentary standards framework arising from requests for ethics or integrity advice, including suggested proposals to address such issues;
    - (ii) the provision of guidance to Members of Parliament on particular issues, including publication of de-identified case studies in order to educate Members on their obligations;
    - (iii) any other matter the Parliamentary Integrity Adviser considers appropriate.
  - (d) A report of the Parliamentary Integrity Adviser under (4)(b) or(4)(c) —
    - (i) will be tabled in each House; and
    - (ii) must not divulge or cause to be divulged the identity of any person who has requested advice in accordance with this Resolution.
  - (e) A House or committee of the Parliament cannot —
    - (i) refer a matter to the Parliamentary Integrity Adviser;
    - (ii) require the Parliamentary Integrity Adviser to report on the conduct of a specific Member or former Member, or a specified group of Members and/or former Members, of Parliament; or
    - (iii) require the Parliamentary Integrity Adviser to investigate any allegations of misconduct.
- (5) Appointment, resignation and removal**
- (a) A person will be appointed by resolution of the Council and the Assembly, on the joint recommendation of the Privileges Committees of the Council and the Assembly in accordance with (5)(c), as Parliamentary Integrity Adviser.
  - (b) An appointment under (5)(a) must —
    - (i) subject to (5)(b)(iii), be made whenever the position becomes vacant; and
    - (ii) be for a period that terminates on the day that is 4 months after the general election that is held immediately following the Parliament during which the appointment is made; and
    - (iii) in the case of the first appointment of the Parliamentary Integrity Adviser, be made within 4 months after this Resolution has been agreed to by both Houses.
  - (c) Prior to a resolution under (5)(a), a joint report of the Privileges Committees of the Council and the Assembly will be tabled in each House specifying —
    - (i) a person recommended for appointment as Parliamentary Integrity Adviser; and
    - (ii) the terms and conditions of appointment of the Parliamentary Integrity Adviser, including any remuneration, as agreed in consultation with the Speaker and the President.
  - (d) If, within three months of the position becoming vacant, the Privileges Committees of the Council and the Assembly fail to report under (5)(c), a joint sitting of Parliament in accordance with JSO 22 will be held to appoint a person as Parliamentary Integrity Adviser on the terms and conditions, including any remuneration, agreed by the Speaker and the President.

- (e) The Parliamentary Integrity Adviser may engage in any outside employment that does not conflict with his or her role as Parliamentary Integrity Adviser.
- (f) The Parliamentary Integrity Adviser may resign in writing to the President and the Speaker.
- (g) The Parliamentary Integrity Adviser may be removed from office by resolution of the Council and the Assembly for —
  - (i) insolvency; or
  - (ii) proven misbehaviour; or
  - (iii) mental incapacity.
- (h) Prior to a resolution under (5)(g), the Privileges Committees of the Council and the Assembly must meet and confer jointly on the alleged grounds for removal and, if the grounds are found to be valid, make a joint recommendation to Parliament that the Parliamentary Integrity Adviser be removed from office.
- (i) A joint recommendation under (5)(h) will —
  - (i) be tabled in each House; and
  - (ii) include the reasons for the recommendation unless the Privileges Committees agree that it would be contrary to the public interest to do so.
- (j) The Parliamentary Integrity Adviser may be suspended from office whilst any alleged grounds for removal from office are dealt with under the terms of this Resolution.

**(6) Review**

The Privileges Committees of the Council and the Assembly must, in the final year of each Parliament —

- (a) cause a joint review to be made of the operation of this Resolution; and
- (b) table a report of the review in each House before the expiration of the Assembly under section 38 of the *Constitution Act 1975*.

**(7) Privileges Committee**

- (a) The Privileges Committee of this House is authorised and required to meet and confer jointly with the Privileges Committee of the other House for the purposes of exercising its role, functions and powers in accordance with the terms of this Resolution.
- (b) The provisions relating to the role, functions and powers of the Privileges Committee under the terms of this Resolution constitute a standing reference to the Committee for the Parliament during which its Members are appointed until the dissolution or other lawful determination of the Assembly.
- (c) For the purposes of joint meetings of the Privileges Committees of the Council and the Assembly under the terms of this Resolution —
  - (i) the Chair of the Assembly Privileges Committee and the Chair of the Council Privileges Committee are joint chairs; and
  - (ii) meetings shall be chaired by the joint chairs on an alternating basis; and
  - (iii) a joint chair shall take the Chair whenever the other joint chair is not present; and
  - (iv) every Committee member shall have a deliberative vote only; and
  - (v) the Standing Orders of the Assembly shall otherwise apply insofar as they are not inconsistent with the terms of this Resolution.

This Resolution shall continue in force unless and until it is amended or rescinded by a resolution of the Council and the Assembly in this or a subsequent Parliament.

Debate ensued.

Question — put and agreed to.

**17 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

## AYES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; 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 Elasmarr and Ms Taylor)*

## NOES, 15

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

*(Tellers: Ms Bath and Mr O'Donohue)*

Question 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.

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, 24

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

## NOES, 15

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

*(Tellers: Mr Finn and Mr Grimley)*

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.

**18 ADJOURNMENT** — Mr Jennings 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 6.50 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 14 — Wednesday, 1 May 2019

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

2 **PAPERS** —

**UNIVERSITY OF DIVINITY REPORT, 2018** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2018.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:



- Bendigo Kangan Institute — Report, 2018.  
 Box Hill Institute — Report, 2018.  
 Centre for Adult Education — Report, 2018.  
 Chisholm Institute — Report, 2018.  
 Deakin University — Report, 2018.  
 Falls Creek Alpine Resort Management Board — Report, 2018.  
 Federation Training — Report, 2018.  
 Federation University Australia — Report, 2018.  
 Gordon Institute of TAFE — Report, 2018.  
 Goulburn Ovens Institute of TAFE — Report, 2018.  
 Holmesglen Institute — Report, 2018.  
 La Trobe University — Report, 2018.  
 Melbourne Polytechnic — Report, 2018.  
 Monash University — Report, 2018.  
 Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2018.  
 Mount Hotham Alpine Resort Management Board — Report, 2018.  
 Municipal Association of Victoria — Report, 2017-18.  
 Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Boroondara Planning Scheme — Amendment C289.
  - Casey Planning Scheme — Amendment C261.
  - Greater Geelong Planning Scheme — Amendment C386.
  - Hobsons Bay Planning Scheme — Amendment C125.
  - Kingston Planning Scheme — Amendment C159.
  - Melton Planning Scheme — Amendments C199 and C200.
  - Mitchell Planning Scheme — Amendment C127.
  - Moonee Valley Planning Scheme — Amendment C204.
  - Surf Coast Planning Scheme — Amendment C118.
  - Yarra Planning Scheme — Amendment C225.
- Royal Melbourne Institute of Technology — Report, 2018.  
 South West Institute of TAFE — Report, 2018.  
 Southern Alpine Resort Management Board — Report, 2018.  
 Sunraysia Institute of TAFE — Report, 2018.  
 Swinburne University of Technology — Report, 2018.  
 The University of Melbourne — Report, 2018.  
 Victoria University — Report, 2018.  
 William Angliss Institute of TAFE — Report, 2018.  
 Wodonga Institute of TAFE — Report, 2018.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.
- 5 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — ILLEGAL FARM ACTIVISTS** — Ms Bath moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of Victoria's current legislation in terms of deterrent, penalty and remedy for illegal, on-farm animal activist activity, and in particular, the Committee should —
- (1) consider —
    - (a) the illegal activity of animal activists on Victorian farms;
    - (b) illegal farm activists' compliance with Victoria's stringent animal welfare laws;
    - (c) the appropriateness of Victoria's trespass, biosecurity, surveillance, privacy and nuisance laws;
  - (2) analyse the approach of other jurisdictions in Australia and internationally;
  - (3) consult with relevant stakeholders; and

- (4) provide recommendations on how Victoria's laws could be improved to protect farmers' privacy, businesses and the integrity of Victoria's biosecurity regime.

Debate ensued.

Ms Symes moved, as an amendment, That all the words after "That this House" be **omitted** with a view to **inserting** the following in their place:

"requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 19 September 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures."

Debate ensued.

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

Ms Symes moved, by leave, That her amendment be moved with an amended reporting date, as follows — That all the words after "That this House" be **omitted** with a view to **inserting** the following in their place:

"requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures."

Question — put and agreed to.

Question — That the amendment moved by Ms Symes be agreed to — put and agreed to.

Question — That the motion moved by Ms Bath, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; 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 Crozier and Ms Vaghela*)

NOES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.  
(*Tellers: Mr Hayes and Mr Meddick*)

Question agreed to.

**6 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Wednesday, 5 June 2019 —

- (1) a copy of all documents in full and unredacted which are concerned with or relate to contracts between the Government of Victoria and GJK Facility Services and any associated companies, past and present, including but not limited to all Ministerial briefs, tender criteria and decisions, documents relating to decisions to extend GJK contracts, and the criteria for extension and financial penalties applied for GJK's non-performance;
- (2) the same or equivalent documents, information and legal proceedings provided in response to Ms Margaret Fitzherbert's Freedom of Information request for each public housing facility for which GJK is contracted to provide cleaning or other services including documents that address or canvas —
  - (a) performance, or lack thereof, and how it was determined that the contracts would be extended;
  - (b) why and by whom it was decided that the option to renew GJK's contracts in 2018 be exercised rather than a new tender, particularly in the light of the many complaints including those from the Department to GJK;
  - (c) how was it decided that GJK's performance was sufficient to extend the contracts and on what performance criteria;
  - (d) Departmental and Ministerial approval of the decision to renew GJK's contracts in 2018, including briefings to the Minister about GJK's lack of performance, including three financial penalties for non-performance at Park Towers and renewal of the contracts; and

- (e) measures taken in response to the Victorian Ombudsman's October 2007 report on the *Investigation into the Office of Housing's tender process for the Cleaning and Gardening Maintenance Contract – CNG2007*.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

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

**SURGERY WAITING LISTS** — Ms Mikakos having given answers to a question without notice and supplementary question relating to surgery waiting lists —

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 a written response be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Western Metropolitan Region transport plan** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Friday, 3 May 2019.

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

- 9 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — On the motion of Mr Finn, the debate was adjourned until later this day.

- 10 LOCAL PLANNING POLICY FRAMEWORK** — Mr Hayes moved, That this House calls on the Government to give greater weight to the local planning policy framework by —

- (1) amending section 84B of the *Planning and Environment Act 1987*, so that the Victorian Civil and Administrative Tribunal (VCAT) is required to give effect to local planning policies, rather than just take planning schemes into account;
- (2) amending section 60 of the *Planning and Environment Act 1987*, so that VCAT 'must' rather than 'may' consider "any strategic plan, policy statement, code or guideline which has been adopted by a Minister, other government department, public authority or municipal council"; and
- (3) requiring the Minister for Planning to implement mandatory height controls rather than discretionary height controls when mandatory controls are sought, at the height requested by municipal councils in planning scheme amendments, either on an interim or permanent basis.

Debate ensued.

Question — put and agreed to.

- 11 EMERGENCY SERVICE WORKERS PRESUMPTIVE COMPENSATION SCHEME** — Mr Grimley moved, That in relation to Part 4 of the *Victoria State Emergency Service Act 2005*, this House —

- (1) acknowledges —
  - (a) that the process that emergency service workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) the existence of current basic presumptive legislation laws in Victoria, but note a lack of support for those suffering from post-traumatic stress;
  - (c) the cumulative impacts of exposure to violence and conflict, which emergency service workers are often subjected to;
  - (d) that legislating a presumptive compensation scheme for emergency service workers will reduce the stigma associated with post-traumatic stress injuries and assist people in accessing support services more efficiently and without further trauma;
- (2) calls on the Government to establish a presumptive compensation scheme which places the onus of proof from the workers to the employer, by allowing emergency service

workers and volunteers engaged in firefighting or lifesaving duties to access workers compensation, that will —

- (a) allow workers compensation claims that are post-traumatic stress related to be treated like any other work related injury; and
- (b) ensure that the presumptive legislation will not remove the ability for an employer to dispute the claim if there is sufficient reason to believe that the injury is not work related and to avoid retrospective claims being made.

Debate ensued.

Mr Melhem moved, as an amendment, That all the words after “That in relation to” be **omitted** with a view of **inserting** the following in their place:

“the mental health of police and emergency service workers, this House —

- (1) acknowledges —
  - (a) that the process that emergency workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) that there are cumulative impacts of exposure to violence and conflict, which emergency workers are often subjected to;
  - (c) that the risk of a workers compensation claim for both physical and mental injuries among emergency workers is more than three times higher than other occupations;
  - (d) that legislating a scheme for police and emergency workers and volunteers suffering from mental injuries that enables them to access assistance upon application will reduce the stigma associated with post-traumatic stress injuries and deliver better health outcomes;
- (2) calls on the Government to establish a provisional acceptance scheme for all emergency workers, which will enable workers to have their treatment paid for from the moment they submit a WorkCover claim for a mental injury, that will —
  - (a) apply to Victoria Police, Ambulance Victoria, Metropolitan Fire Brigade, State Emergency Service, Country Fire Authority, ESTA, child protection employees, Youth Justice employees, Corrections Victoria employees, forest firefighters and public sector nurses;
  - (b) provide support to cover all reasonable medical and like expenses while claims are being assessed; and
  - (c) allow the process for workers compensation claims that are post-traumatic stress related to be treated like any other work-related injury.”.

Debate ensued.

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

Question — That the motion moved by Mr Grimley, amended as follows, be agreed to — That in relation the mental health of police and emergency service workers, this House —

- (1) acknowledges —
  - (a) that the process that emergency workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) that there are cumulative impacts of exposure to violence and conflict, which emergency workers are often subjected to;
  - (c) that the risk of a workers compensation claim for both physical and mental injuries among emergency workers is more than three times higher than other occupations;
  - (d) that legislating a scheme for police and emergency workers and volunteers suffering from mental injuries that enables them to access assistance upon application will reduce the stigma associated with post-traumatic stress injuries and deliver better health outcomes;
- (2) calls on the Government to establish a provisional acceptance scheme for all emergency workers, which will enable workers to have their treatment paid for from the moment they submit a WorkCover claim for a mental injury, that will —
  - (a) apply to Victoria Police, Ambulance Victoria, Metropolitan Fire Brigade, State Emergency Service, Country Fire Authority, ESTA, child protection employees, Youth

Justice employees, Corrections Victoria employees, forest firefighters and public sector nurses;

- (b) provide support to cover all reasonable medical and like expenses while claims are being assessed; and
- (c) allow the process for workers compensation claims that are post-traumatic stress related to be treated like any other work-related injury — put and agreed to.

**12 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — Debate resumed on the question, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Wednesday, 5 June 2019 —

- (1) a copy of all documents in full and unredacted which are concerned with or relate to contracts between the Government of Victoria and GJK Facility Services and any associated companies, past and present, including but not limited to all Ministerial briefs, tender criteria and decisions, documents relating to decisions to extend GJK contracts, and the criteria for extension and financial penalties applied for GJK's non-performance;
- (2) the same or equivalent documents, information and legal proceedings provided in response to Ms Margaret Fitzherbert's Freedom of Information request for each public housing facility for which GJK is contracted to provide cleaning or other services including documents that address or canvas —
  - (a) performance, or lack thereof, and how it was determined that the contracts would be extended;
  - (b) why and by whom it was decided that the option to renew GJK's contracts in 2018 be exercised rather than a new tender, particularly in the light of the many complaints including those from the Department to GJK;
  - (c) how was it decided that GJK's performance was sufficient to extend the contracts and on what performance criteria;
  - (d) Departmental and Ministerial approval of the decision to renew GJK's contracts in 2018, including briefings to the Minister about GJK's lack of performance, including three financial penalties for non-performance at Park Towers and renewal of the contracts; and
  - (e) measures taken in response to the Victorian Ombudsman's October 2007 report on the *Investigation into the Office of Housing's tender process for the Cleaning and Gardening Maintenance Contract – CNG2007*.

Question — put and agreed to.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of remaining General Business, be postponed until the next day of meeting.

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

**15 AUDITOR-GENERAL'S OFFICE FINANCIAL 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 17 of the *Audit Act 1994*, Mr Geoff Parker of Nexia Melbourne be appointed for a period of one year:

- (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2019;
- (b) in accordance with the Agreement for the provision of services for the financial audit of the Victorian Auditor-General's Office (Year ending 30 June 2019), in Appendix 1 of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (PP 24, 2018–19); and
- (c) at a fixed fee level of remuneration of \$38,000 (plus GST) for audit services for the year ending 30 June 2019.

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Ms Tierney moved, by leave, That the Council concurs with the Assembly and resolves, That under section 17 of the *Audit Act 1994*, Mr Geoff Parker of Nexia Melbourne be appointed for a period of one year:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2019;
- (2) in accordance with the Agreement for the provision of services for the financial audit of the Victorian Auditor-General's Office (Year ending 30 June 2019), in Appendix 1 of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (PP 24, 2018–19);
- (3) at a fixed fee level of remuneration of \$38,000 (plus GST) for audit services for the year ending 30 June 2019; and
- (4) a Message be sent to the Assembly informing them that the Council have concurred with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 31, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**17 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Question — put and agreed to.

Ms Mikakos moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and agreed to.

**18 ADJOURNMENT** — The President proposed the question, 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 6.14 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 15 — Thursday, 2 May 2019

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

2 **PAPERS** —

**MAGISTRATES' COURT OF VICTORIA REPORT, 2016-17** — Ms Tierney presented, by command of the Governor, the Magistrates' Court of Victoria Report, 2016-17.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Outcomes of Investing in Regional Victoria, May 2019  
(*Ordered to be published*).

Crimes (Assumed Identities) Act 2004 — Reports, 2017-18, pursuant to section 31  
by the —

Australian Crime Commission.

Independent Broad-based Anti-corruption Commission.  
Victoria Police.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 8.

Surveillance Devices Act 1999 — Reports 2017-18, pursuant to section 30L by the —  
Independent Broad-based Anti-corruption Commission.  
Victoria Police.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 28 May 2019.

Question — put and agreed to.

**4 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**1. Procedure Committee**

In Standing Order 23.08(3) for “four” substitute “five”.

**2. Privileges Committee**

In Standing Order 23.09(2) for “four” substitute “five”.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Question — put and agreed to.

**5 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — SPENT CONVICTIONS** —

Mr Jennings moved, by leave, That —

(1) pursuant to Standing Order 23.02 and Sessional Order 22, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than Tuesday, 27 August 2019, on the need for and potential impact of laws in Victoria to govern the disclosure of criminal history records, otherwise known as a legislated spent convictions scheme;

(2) the Committee should consider the design of such a scheme that would be appropriate for Victoria, including, but not limited to —

(a) the types of criminal records that should be capable of becoming spent;

(b) the mechanism by which convictions become spent;

(c) any “crime-free period” that should apply before a conviction may be spent including whether this should vary according to the age of the offender and type of conviction;

(d) the effect of subsequent convictions during the crime-free period;

(e) the consequences of a conviction becoming spent;

(f) any offences and penalties that should apply for non-compliance with the scheme, including for disclosing or taking into account a spent conviction where this is not permitted;

(g) interaction between a Victorian scheme and other jurisdictions;

(h) appropriate exceptions, such as for particular offence categories or specific regulatory schemes; and

(i) the interaction between any proposed ‘scheme’ and other legislation, such as the *Assisted Reproductive Treatment Act 2008* and the *Working with Children Act 2005*;

(3) in considering the need for and design of a legislated spent convictions scheme, the Committee should have regard to the experience of groups in our community who suffer particular disadvantage due to past convictions, such as young people and Aboriginal and Torres Strait Islander people; and

(4) the Committee should be guided by the public interest in ensuring that the disclosure of criminal history records in Victoria operates in a fair and transparent manner and balances the interests of offender rehabilitation and reintegration with community safety, including the safety of vulnerable Victorians and the safety and wellbeing of victims.



Debate ensued.

Question — put and agreed to.

- 6 LAW REFORM, ROAD SAFETY AND COMMUNITY SAFETY COMMITTEE** — Mr O'Donohue moved, by leave, That this House notes the recent abolition of the Law Reform, Road Safety and Community Safety Joint House Standing Committee and calls for the immediate establishment of a Law Reform, Sentencing and Community Safety Joint House Standing Committee, with the immediate objective to inquire into and report on the adequacy of Victoria's homicide, sentencing and parole laws, including —

- (1) the adequacy of current sentencing law and practice in matters of family violence homicide, including the adequacy of sentencing and parole consequences available where an accused fails to disclose what they know about the circumstances surrounding the death of the victim/s;
- (2) whether the current legal framework meets community expectations and appropriately considers the impact on the community following a homicide;
- (3) whether there should be greater penalties for perpetrators who fail to assist police, the courts and other authorities regarding the cause and circumstances surrounding the death of the victim;
- (4) what type of legislative and other changes may be required to ensure the rights of victims are adequately considered;

and otherwise review the current legal framework in both Victorian and other key jurisdictions.

Debate ensued.

Mr Hayes moved, That the debate be adjourned until the next day of meeting.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmr; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Elasmr and Mr Hayes)

NOES, 10

Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Ondarchie and Mr Rich-Phillips)

Question agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 31, be postponed until later this day.
- 9 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 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.

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:

- **North Richmond Community Health Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 3 May 2019.

- **North East Link project impact on public transport** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 6 May 2019.
- **Control of feral and introduced species** — substantive question asked by Mr Meddick — response from Mr Jennings due Monday, 6 May 2019.
- **Timber plantation in Gippsland** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 3 May 2019.
- **V/Line services in North East Victoria** — substantive and supplementary questions asked by Mr Quilty — response from Ms Pulford due Monday, 6 May 2019.

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

**12 MAJOR TRANSPORT PROJECTS FACILITATION 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 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.

**13 OPEN COURTS AND OTHER ACTS 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, 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.

**14 GUARDIANSHIP AND ADMINISTRATION BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to guardianship and administration, to repeal the Guardianship and Administration Act 1986 and to amend consequentially various other Acts 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 Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**15 PROFESSIONAL ENGINEERS REGISTRATION BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a scheme for the registration of professional engineers to promote best practice in providing professional engineering services, to provide for the endorsement of registration, to provide protection to consumers of professional engineering services and to make consequential amendments to other Acts 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 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 Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**16 SALE OF LAND AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to make various amendments to the Sale of Land Act 1962 in relation to off-the-plan contracts, terms contracts, rent-to-buy arrangements and options to purchase land under land banking schemes, to amend the ANZAC Day Act 1958 to impose restrictions on public auctions, and to amend the Estate Agents Act 1980 in respect of payments that may be made from the Victorian Property Fund 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 Mr Ondarchie, the debate was adjourned for one week.

**17 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 6.17 p.m., adjourned until Tuesday, 28 May 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 13, 14 and 15

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### **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2018**

*Committed Tuesday, 30 April 2019*

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019**

*Committed Thursday, 2 May 2019*

**Clauses 1 to 12** — put and agreed to.

**Bill reported without amendment.**





# 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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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 Elasmars; 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 Elasmars 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.

\* \* \* \* \*

**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.**

\* \* \* \* \*

### **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.**

\* \* \* \* \*

**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".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 19, 20, 21 and 22

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### No. 19 — Tuesday, 4 June 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE DANIEL ERIC KENT OAM** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 26 April 2019, of the Honourable Daniel Eric Kent OAM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Gippsland Province from 1970 to 1976 and the Chelsea Province from 1979 to 1985, and as Minister of Agriculture from 1982 to 1985.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 12.32 p.m. until 1.38 p.m.]*
- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that he had, this day, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Audit Amendment Act 2019*  
*Guardianship and Administration Act 2019*  
*Sale of Land Amendment Act 2019.*
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Community safety funding** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Thursday, 6 June 2019.
  - **Youth defensive driving courses** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Wednesday, 5 June 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 7 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to be published.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

National Parks Act 1975 — Minister's notice of consent of 28 May 2019, pursuant to section 40 of the Act, in relation to Beach Energy Limited undertaking operations within Port Campbell National Park.

Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Report on the Inquiry into the sustainability and operational challenges of Victoria's rural and regional councils.

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

Frankston Planning Scheme — Amendments C132 and C133.

Kingston Planning Scheme — Amendments C163 and C183.

Manningham Planning Scheme — Amendment C104.

Maribyrnong Planning Scheme — Amendments C155 and C156.

Whittlesea Planning Scheme — Amendment C229.

Statutory Rules under the following Acts of Parliament —

Domestic Animals Act 1994 — No. 36.

Local Government Act 1989 — No. 37.

Supreme Court Act 1986 — No. 38.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 30 and 33.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Fair Work (Commonwealth Powers) Amendment Act 2019 — 31 May 2019 (*Gazette No. S205, 28 May 2019*).

**7 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019** — The Clerk laid on the Table 73 documents in full and 58 documents in part and a letter from the Attorney-General, dated 30 May 2019, in response to the Resolution of the Council of 6 February 2019 relating to Victorian Power Supplies, advising that 154 documents had been identified and a claim of executive privilege was made over 23 documents in full and 58 documents in part.

**8 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — The Clerk laid on the Table a letter (including an Attachment) from the Attorney-General, dated 30 May 2019, in response to the Resolution of the Council of 1 May 2019 relating to GJK facility services, advising that —

- the Government's initial estimate is that there are approximately 100,000 pages within the scope of the order, and that it would take up to four years to collate, consider and obtain advice in relation to the documents at an estimated cost of \$1.5 million; and
- the Government invites the Council to pass a motion to amend or replace the order with an order seeking documents within revised categories set out in an Attachment A, which would allow them to provide the documents sooner and at a lower cost.

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 5 June 2019 —

- (1) Notice of Motion No. 74 standing in the name of Mr Barton referring a matter to the Economy and Infrastructure Committee relating to Melbourne's public transport;
- (2) the notice of motion given this day by Mr Rich-Phillips in relation to the establishment of a Joint Select Committee to inquire into Victoria's road toll;
- (3) the notice of motion given this day by Dr Cumming in relation to food waste;
- (4) the notice of motion given this day by Mr Davis in relation to the Corkman Hotel in Carlton;
- (5) the notice of motion given this day by Dr Ratnam in relation to World Environment Day;
- (6) the notice of motion given this day by Ms Crozier, in lieu of Notice of Motion No. 79, in relation to CFMEU State Secretary, Mr John Setka; and
- (7) Notice of Motion No. 21 standing in the name of Ms Patten referring a matter relating to e-petitions to the Procedure Committee.



Question — put and agreed to.

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

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

**12 APPROPRIATION (2019–2020) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time and Ms Stitt moved, That the Council take note of the Budget Papers, 2019-20 [*the motion to take note of the **Budget Papers, 2019-20** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2019*].

Question — put and 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.

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.

**13 BUDGET PAPERS, 2019-20** — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2019-20 — put and agreed to.

**14 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 9.55 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 20 — Wednesday, 5 June 2019

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

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Child and Youth Mental Health, June 2019 (*Ordered to be published*).

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

Banyule Planning Scheme — Amendment C154.

Banyule, Kingston, Manningham, Moreland, Stonnington, Whittlesea and Wyndham Planning Schemes — Amendment GC131.

Cardinia, Casey, Greater Geelong, Hobsons Bay, Melton, Moonee Valley, Nillumbik, Port of Melbourne, Port Phillip and Yarra Planning Schemes — Amendment GC128.

Hume Planning Scheme — Amendment C238.

Manningham Planning Scheme — Amendment C126.

Maribyrnong Planning Scheme — Amendment C160.

Mitchell Planning Scheme — Amendment C141.

Mornington Peninsula Planning Scheme — Amendment C260.

Surf Coast Planning Scheme — Amendment C131.

Whittlesea Planning Scheme — Amendment C239.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of an Order in Council of 28 May 2019 amending the transitional pricing rule under the Electricity Industry Act 2000.

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

**4 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC TRANSPORT** — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, within 12 months, on Melbourne's public transport, in particular —

- (1) the expansion of the free tram system to include —
  - (a) Wellington Parade to Powlett Street, East Melbourne;
  - (b) Swanston Street to Elgin Street, Carlton;
  - (c) Royal Parade to College Crescent, Carlton;
  - (d) Flemington Road to Abbotsford Street, North Melbourne;
  - (e) St Kilda Road to Commercial Road, Prahran;
- (2) providing free fares for all full time students;
- (3) removing fares for all Seniors Card holders;
- (4) new technologies that enable intelligent transport systems that improve the performance of the networks; and
- (5) the effects and benefits of dynamic public transport pricing.

Debate ensued.

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

Question — put and agreed to.

**5 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL** — Mr Rich-Phillips moved, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
  - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
  - (b) adequacy and scope of the current driver drug and alcohol testing regime;
  - (c) adequacy of current speed enforcement measures;
  - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
  - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
  - (f) adequacy of current road standards and the road asset maintenance regime;
  - (g) adequacy of driver training programs and related funding structures such as the L2P program;
  - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
  - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
  - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;

- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

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

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

\* \* \* \* \*

**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 suburbs school funding** — substantive question asked by Dr Cumming — response from Ms Tierney due Friday, 7 June 2019.
- **Ballarat Health Services** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 6 June 2019.
- **Commercial passenger vehicle safety standards** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 7 June 2019.

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

**8 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL** — Debate continued on the question, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
  - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
  - (b) adequacy and scope of the current driver drug and alcohol testing regime;
  - (c) adequacy of current speed enforcement measures;
  - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
  - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
  - (f) adequacy of current road standards and the road asset maintenance regime;
  - (g) adequacy of driver training programs and related funding structures such as the L2P program;
  - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
  - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
  - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;

- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Ms Pulford moved, as amendments, That —

1. In paragraph (1), **omit** the words “a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses,” and **insert** in their place “this House requires the Economy and Infrastructure Committee to inquire into, consider and report,”.
2. In paragraph (1)(c), after the words “adequacy of current speed enforcement measures”, **insert** “and speed management policies”.
3. **Omit** paragraphs (2) to (7).

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

**9 FOOD WASTE** — Dr Cumming moved, That this House calls on the Government to —

- (1) commission advice on appropriate targets to enable action and support consistency of food and organic waste collection across Victoria;
- (2) support and work in partnership with local government to divert organic waste, including food waste, from landfill and ensure it is collected and managed with clearly identifiable and market ready end products;
- (3) explore funding options for an organic waste recycling scheme through the current waste levy;
- (4) ensure that the frameworks, guidelines and standards developed according to the Victorian Organics Resource Recovery Strategy, September 2015, meet the implementation targets of —
  - (a) enabling all councils across the state to implement food waste collection services for residential, commercial and industrial food waste that suits the needs of their municipalities;
  - (b) ensuring processing facilities are equipped to meet demand by mapping currently available facilities, including capacity for processing and proximity of sites to municipalities, expanding what is currently available and establishing additional facilities in strategic locations to minimise transport costs;
  - (c) clearly identifying and establishing markets for recovered and recycled products;
  - (d) ensuring redistribution of viable food within local communities through partnerships between the private and not-for-profit sectors;
- (5) expand to a comprehensive, state-wide education and behaviour change community program and ensure the program —
  - (a) reduces the amount of food waste generated;
  - (b) increases compliance with organic waste recycling;
  - (c) follows state guidelines and is adapted to suit local communities; and
  - (d) encourages ongoing innovative solutions through communities, universities and industry.

Debate ensued.

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

Question — put and agreed to.

**10 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL** — Debate resumed on the question, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
  - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
  - (b) adequacy and scope of the current driver drug and alcohol testing regime;
  - (c) adequacy of current speed enforcement measures;
  - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
  - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
  - (f) adequacy of current road standards and the road asset maintenance regime;
  - (g) adequacy of driver training programs and related funding structures such as the L2P program;
  - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
  - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
  - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

*And on the amendments moved by Ms Pulford, That —*

1. In paragraph (1), **omit** the words “a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses,” and **insert** in their place “this House requires the Economy and Infrastructure Committee to inquire into, consider and report,”.
2. In paragraph (1)(c), after the words “adequacy of current speed enforcement measures”, **insert** “and speed management policies”.
3. **Omit** paragraphs (2) to (7).

Question — That Amendment Nos. 1 and 3 moved by Ms Pulford be agreed to — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Dr Kieu and Ms Vaghela)*

## NOES, 11

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell;  
Ms Maxwell; Mrs McArthur; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Crozier and Ms Wooldridge)*

Question agreed to.

Question — That Amendment No. 2 moved by Ms Pulford be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —

- (1) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
- (2) adequacy and scope of the current driver drug and alcohol testing regime;
- (3) adequacy of current speed enforcement measures and speed management policies;
- (4) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
- (5) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
- (6) adequacy of current road standards and the road asset maintenance regime;
- (7) adequacy of driver training programs and related funding structures such as the L2P program; and
- (8) adequacy and accuracy of road collision data collection — put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 90, be postponed until later this day.

**12 WORLD ENVIRONMENT DAY** — Dr Ratnam moved, That this House notes that —

- (1) Wednesday, 5 June is World Environment Day, a day to encourage worldwide awareness and action to protect our environment; and
- (2) the theme for World Environment Day this year is “Air Pollution”, with governments, industry, communities and individuals urged to take action to improve air quality in cities and regions across the world.

Debate ensued.

Question — put and agreed to.

**13 CORKMAN HOTEL, CARLTON** — Mr Davis moved, That this House —

- (1) expresses its concern at the inadequate response by the Minister for Planning, the Hon Richard Wynne MP, to the illegal destruction of the historic 1858 Corkman Hotel in Carlton;
- (2) notes the illegal dumping that occurred following this unacceptable destruction; and
- (3) calls on the Minister to ensure, through the use of his powers, that the property developers, Mr Raman Shaqiri and Mr Stefce Kutlesovski, who have been convicted of these actions, described by Magistrate Ross Maxted as “reprehensible”, or companies associated with either man, are not permitted to profit from their illegal actions.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Davis.*

**14 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 5.39 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 21 — Thursday, 6 June 2019

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

2 **PAPERS —**

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE PUBLIC HOUSING RENEWAL PROGRAM** — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into the Public Housing Renewal Program.

\* \* \* \* \*

**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 —

Melbourne Metro Tunnel Project — Phase 1: Early Works, June 2019 (*Ordered to be published*).

Recovering and Reprocessing Resources from Waste, June 2019 (*Ordered to be published*).

Climate Change Act 2017 — Independent Expert Panel's Interim Emissions Reduction Targets for Victoria (2021-2030), Final Report.

3 **STANDING COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That —

(1) Mr Limbrick and Mr Quilty be participating members of the Standing Committee on Legal and Social Issues;

(2) Mr Limbrick be a participating member of the Standing Committee on Economy and Infrastructure; and

(3) Mr Quilty be a participating member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

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

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 99, be postponed until later this day.

6 **APPROPRIATION (PARLIAMENT 2019-2020) 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.

7 **STATE TAXATION ACTS AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, that debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 10

Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur;  
Mr O'Donohue; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Dr Cumming and Ms Lovell*)

## NOES, 26

Mr Barton; Mr Bourman; Mr Dalidakis; 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 Shing and Ms Stitt)

Question negatived.

Debate continued on the question, That the Bill be now read a second time.

*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.

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:

- **Kyneton water reclamation plant** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Tuesday, 11 June 2019.
- **Metro Tunnel Project consortium** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Friday, 7 June 2019.
- **Levy's Beach environmental monitoring system** — substantive and supplementary questions asked by Mr Hayes — response from Mr Jennings due Tuesday, 11 June 2019.
- **Firearms prohibition orders** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Tuesday, 11 June 2019.

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

**10 STATE TAXATION ACTS 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.

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.

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

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On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment, 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, 33

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

(Tellers: Mr Melhem and Ms Terpstra)

## NOES, 3

Dr Cumming; 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 without amendment.

- 11 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Water Act 1989 and the Catchment and Land Protection Act 1994 and for other purposes* and requesting the agreement of the Council.

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

- 12 DISABILITY (NATIONAL DISABILITY INSURANCE SCHEME TRANSITION) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 and the Residential Tenancies Act 1997 and to make consequential and other amendments to other Acts to further provide for the transition to the National Disability Insurance Scheme 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 Ms Crozier, the debate was adjourned for one week.

- 13 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the Workplace Injury Rehabilitation and Compensation Act 2013, to amend the Metropolitan Fire Brigades Act 1958, the Country Fire Authority Act 1958 and certain other Acts to reform fire services and for other purposes* and requesting the agreement of the Council.

Ms Symes (for Mr Jennings) moved, That the Bill be read a first time.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Dr Cumming; Mr Dalidakis; Ms Garrett; 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 Vaghela.

(Tellers: Dr Kieu and Ms Shing)

NOES, 15

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 Quilty; Mr Rich-Phillips.

(Tellers: Ms Lovell and Mr O'Donohue)

Question agreed to.

Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.32 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 22 — Friday, 7 June 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 38.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 18 June 2019.  
Question — put and agreed to.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 12 to 81, be postponed until later this day.
- 5 **LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — HOMELESSNESS** — Mr Barton moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, and in particular, the Committee should —
- (1) provide an independent analysis of the changing scale and nature of homelessness across Victoria;
  - (2) investigate the many social, economic and policy factors that impact on homelessness; and
  - (3) identify policies and practices from all levels of government that have a bearing on delivering services to the homeless.

Debate ensued.

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

Question — put and agreed to.

- 6 **BUSINESS POSTPONED** — Dr Ratnam moved, That the consideration of all Notices of Motion, General Business, except Notice of Motion, General Business, No. 42, be postponed until later this day.

Debate ensued.

Question — put and agreed to.

- 7 **PUBLIC HOUSING RENEWAL PROGRAM** — Dr Ratnam moved, That this House —
- (1) notes that there are still more than 82,000 Victorians on the public housing waiting list;
  - (2) acknowledges that the Government's Public Housing Renewal Program is manifestly unfair and inadequate to address the public housing waiting list and chronic homelessness experienced by many in Victoria;
  - (3) further notes that the Government's Public Housing Renewal Program involves selling off existing public housing land to private developers that will be lost from public ownership forever; and
  - (4) calls on the Government to immediately stop the sale of public housing land and commit to a significant investment in public housing that is sufficient to address the current waiting list.

*Business having been interrupted at the conclusion of 2 hours of General Business pursuant to Sessional Orders, the debate stood adjourned in the name of Dr Ratnam.*

- 8 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — LEAVE TO SIT THIS DAY DURING THE SITTING OF THE COUNCIL** — Mr Jennings moved, That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the Inquiry into the 2019-20 Budget Estimates during the sitting of the Council on Friday, 7 June 2019.

Debate ensued.

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Ms Garrett; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; 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 Vaghela)

NOES, 11

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

(Tellers: Ms Bath and Mr Finn)

Question agreed to.

Question — That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the Inquiry into the 2019-20 Budget Estimates during the sitting of the Council on Friday, 7 June 2019 — put and agreed to.

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

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 13.

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:

- **Rock climbing in the Grampians** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Wednesday, 12 June 2019.
- **Metro tunnel project – contingency funds** — substantive question asked by Mr Davis — response from Mr Jennings due Wednesday, 12 June 2019.
- **Coronial inquest – James Gargasoulas** — substantive question asked by Ms Maxwell — response from Mr Jennings due Wednesday, 12 June 2019.
- **Public transport amenity** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Wednesday, 12 June 2019.

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

**11 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — 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 Mr O'Donohue, the debate was adjourned for one week.

**12 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019** — 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 Mr Davis, the debate was adjourned for one week.

**13 ADJOURNMENT** — Mr Jennings 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 1.00 p.m., adjourned until Tuesday, 18 June 2019.



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 19, 20, 21 and 22

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### APPROPRIATION (2019–2020) BILL 2019

*Committed Tuesday, 4 June 2019*

**Clauses 1 to 10** — put and agreed to.

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

**Bill reported without amendment.**

\* \* \* \* \*

### APPROPRIATION (PARLIAMENT 2019-2020) BILL 2019

*Committed Thursday, 6 June 2019*

**Clauses 1 to 7** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### STATE TAXATION ACTS AMENDMENT BILL 2019

*Committed Thursday, 6 June 2019*

**Clauses 1 to 8** — no question put pursuant to Standing Order 14.15(2).

**Clauses 9 to 13** — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; 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 Garrett and Ms Pulford)*

NOES, 14

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

*(Tellers: Ms Crozier and Mr Grimley)*

Question agreed to.

**Clauses 14 and 15** — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; 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 Bourman and Ms Patten)*

NOES, 12

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

*(Tellers: Ms Bath and Mr O'Donohue)*

Question agreed to.

**Clause 16** — no question put pursuant to Standing Order 14.15(2).

**Clause 17** — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; 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 Mr Melhem)*

NOES, 14

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

*(Tellers: Dr Cumming and Mr Limbrick)*

Question agreed to.

**Clauses 18 to 20** — no question put pursuant to Standing Order 14.15(2).

**Clauses 21 to 31** — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; 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 Leane and Mr Somyurek)*

NOES, 12

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

*(Tellers: Mr Atkinson and Mr Davis)*

Question agreed to.

**Clauses 32 to 34** — no question put pursuant to Standing Order 14.15(2).

**Clause 35** — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Grimley; 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 Dalidakis and Mr Somyurek)*

NOES, 13

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

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

Question agreed to.

**Clauses 36 to 46** — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; 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: Ms Terpstra and Ms Vaghela)*

NOES, 12

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

*(Tellers: Mrs McArthur and Mr Quilty)*

Question agreed to.

**Clauses 47 to 55** — no question put pursuant to Standing Order 14.15(2).

**Clauses 56 to 59** — Question — That the clauses be agreed to — put and agreed to.

**Clause 60** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 23, 24 and 25

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### No. 23 — Tuesday, 18 June 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —
  - On 12 June 2019, given the Royal Assent to the following Acts presented to her by the Speaker:
    - Appropriation (2019-2020) Act 2019*
    - Appropriation (Parliament 2019-2020) Act 2019.*
  - On 18 June 2019, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:
    - State Taxation Acts Amendment Act 2019.*
- 3 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that she had received from the Honourable Philip Dalidakis his written resignation as a Member of the Victorian Legislative Council on 17 June 2019.
- 4 **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.

\* \* \* \* \*

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

  - **E-waste fires** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 20 June 2019.
  - **Corkman Hotel** — substantive question asked by Mr Hayes — response from Ms Symes due Thursday, 20 June 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **PETITIONS** —

**SUBSTANCE ABUSE AND COMMUNITY SAFETY IN RICHMOND** — Ms Crozier presented a Petition bearing 77 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.

**LEGALISE CANNABIS FOR RECREATIONAL USE** — Ms Patten presented a Petition bearing 1,655 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce a Bill for the legalisation of recreational cannabis.

Ordered to lie on the Table.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 8 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**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 —

Casey Planning Scheme — Amendment C253.

Knox Planning Scheme — Amendment C175.

Latrobe Planning Scheme — Amendment C116.

Moonee Valley Planning Scheme — Amendment C179.

Mornington Peninsula Planning Scheme — Amendment C210.

Stonnington Planning Scheme — Amendment C221.

Wyndham Planning Scheme — Amendment C235.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — Nos. 40 and 41.

Confiscation Act 1997 — No. 43.

Corrections Act 1986 — No. 46.

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 — No. 44.

Livestock Disease Control Act 1994 — No. 42.

Residential Tenancies Act 1997 — No. 45.

Victorian Civil and Administrative Tribunal Act 1998 — No. 39.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 37, 39 and 42 to 44.

Victorian Environmental Assessment Council Act 2001 — Report on the Assessment of the Values of Victoria's Marine Environment, May 2019, pursuant to section 26E of the Act, together with Atlas and Summary.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Lieutenant-Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Justice Legislation Amendment (Police and Other Matters) Act 2019 — Parts 2 and 3, Division 1 of Part 9 and Sections 39, 42, 44 and 46 — 5 June 2019 — Part 5, the remaining provisions of Part 8 and Division 3 of Part 9 — 1 July 2019 (*Gazette No. S215, 4 June 2019*).

**8 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO RECYCLING AND WASTE MANAGEMENT** — Mr Melhem moved, by leave,

That the Resolution of the Council of 6 March 2019 requiring the Environment and Planning Committee to inquire into and provide an interim report and a final report by 13 August 2019, on Victoria's recycling and waste management system, be amended so as to now require the Committee to present its interim report by 29 August 2019 and its final report by 29 November 2019.

Question — put and agreed to.

**9 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — Ms Mikakos moved, by leave,

That Dr Kieu be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

**10 LEGISLATIVE COUNCIL STANDING COMMITTEES MEMBERSHIP** — Ms Mikakos moved, by leave,

That Dr Cumming be a participating member of the Standing Committees on —

- (1) Economy and Infrastructure;
- (2) Environment and Planning; and
- (3) Legal and Social Issues.

Question — put and agreed to.

**11 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 19 June 2019 —

- (1) the notice of motion given this day by Mr Davis in relation to the revocation of Kingston Planning Scheme Amendment C159;
- (2) the notice of motion given this day by Mr Quilty in relation to the management of public land;
- (3) the notice of motion given this day by Ms Wooldridge in relation to West Gate Tunnel steel;
- (4) the notice of motion given this day by Mr Davis in relation to the Murray Basin Rail Project;
- (5) Notice of Motion No. 89 standing in the name of Ms Crozier in relation to CFMEU State Secretary, Mr John Setka; and
- (6) Notice of Motion No. 101 standing in the name of Mr Davis in relation to the production of certain documents relating to GJK facility services.

Question — put and agreed to.

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

**13 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Ms Crozier moved, That debate be adjourned until later this day.

Debate ensued.

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put and agreed to.

Question — That debate be adjourned until later this day — put and negatived.

Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Dr Cumming; Mr Elasmarr; 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 Ms Stitt*)

NOES, 18

Mr Atkinson; Mr Barton; 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 Ondarchie and Ms Wooldridge*)

Question agreed to.

Bill read a second time.

Mr O'Donohue moved, That it be an instruction to the Committee that they have the power to divide the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019 into two Bills as follows:

- (a) A **Firefighters' Presumptive Rights Compensation Bill 2019** being the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019** with changes; and
- (b) a **Fire Services Legislation Amendment (Reform) Bill 2019** being the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019** with changes.

*For full terms of the motion see Attachment 1 to these minutes on pp. 177-81.*

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; 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 Crozier and Mr Quilty*)

NOES, 21

Dr Cumming; Mr Elasmarr; 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 Melhem and Dr Ratnam*)

Question negatived.

Bill ordered to be committed to a Committee of the whole later this day.

*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.]*

**14 DISABILITY (NATIONAL DISABILITY INSURANCE SCHEME TRANSITION) 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.

**15 ADJOURNMENT** — Ms Mikakos 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 9.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 24 — Wednesday, 19 June 2019

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

2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Dr Kieu resigning from the Public Accounts and Estimates Committee, effective from Tuesday, 18 June 2019.

3 **PETITIONS** —

**SUBSTANCE ABUSE AND COMMUNITY SAFETY IN RICHMOND** — Ms Crozier presented a Petition bearing 52 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.

**BLACK SATURDAY BUSHFIRES COMPENSATION** — Mr Hayes presented a Petition bearing 248 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to take the necessary action to require SP Ausnet (now AusNet Services) to make additional compensation payments to survivors of the Murrindindi and Kilmore East-Kinglake Black Saturday bushfires for the substantial physical, material and emotional losses they have suffered and continue to suffer.

Ordered to lie on the Table.

\* \* \* \* \*

**OMBUDSMAN FOR RETIREMENT HOUSING** — Mr Ondarchie presented a Petition bearing 237 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish an Ombudsman for Retirement Housing to ensure that there is a low-cost, timely and binding way to resolve serious retirement housing disputes without the need to go through courts and tribunals.

Ordered to lie on the Table.

#### 4 PAPERS —

**MUNICIPAL MONITOR REPORT FOR SOUTH GIPPSLAND SHIRE COUNCIL** — Mr Jennings moved, by leave, That there be laid before this House a copy of the Municipal Monitor Report for South Gippsland Shire Council.

Question — put and agreed to.

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

\* \* \* \* \*

**REPORT OF THE COMMISSION OF INQUIRY INTO SOUTH GIPPSLAND SHIRE COUNCIL** — Mr Jennings moved, by leave, That there be laid before this House a copy of the Report of the Commission of Inquiry into South Gippsland Shire Council.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Fraud and Corruption Control — Local Government, June 2019 (*Ordered to be published*).

Education and Training Reform Act 2006 — Order in Council of 18 June 2019 pursuant to sections 3.1.11 and 3.3.28 of the Act providing for the merger of the Box Hill Institute and Centre for Adult Education and to amend the constituting Orders of ten TAFE Institutes and the Adult Multicultural and Education Services.

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

- 6 **REVOCATION OF KINGSTON PLANNING SCHEME AMENDMENT C159** — Mr Davis moved, That, in relation to Amendment C159 to the Kingston Planning Scheme, which applies to 1136-1138 Nepean Highway, Highett, the site of the former Highett Gas Works, this House —
- (1) notes that Kingston Planning Scheme Amendment C159 was gazetted on 18 April 2019 and tabled on 1 May 2019; and
  - (2) pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment C159 to the Kingston Planning Scheme.

Debate ensued.

*The 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, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.  
(Tellers: Mr Hayes and Mrs McArthur)

## NOES, 21

Dr Cumming; Mr Elasmarr; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(Tellers: Ms Terpstra and Ms Vaghela)

Question negatived.

**7 MANAGEMENT OF PUBLIC LAND** — Mr Quilty moved, That this House —

- (1) recognises that the Government has locked Victorians out of public land, and in doing so has —
  - (a) prevented enjoyment of outdoor recreation, caused severe distress to affected businesses and disrupted long-running events;
  - (b) in many instances, failed to —
    - (i) consult with affected parties;
    - (ii) construct public land arrangements that satisfy all users that rely on public land access;
    - (iii) provide notice to public land users;
    - (iv) provide adequate recourse to public land users;
- (2) notes that —
  - (a) cultural heritage legislation is a cause of many lockouts;
  - (b) Parks Victoria manages regional public land from a centralised office in Melbourne;
- (3) calls on the Government to —
  - (a) improve accountability in Parks Victoria and Aboriginal Victoria; and
  - (b) consider a decentralised management structure for public lands so that local communities have a guaranteed opportunity to provide input on all significant decisions made about public land.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

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

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:

- **Public Housing Renewal Program** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Friday, 21 June 2019.
- **Free TAFE course on rail infrastructure** — substantive question asked by Ms Wooldridge — response from Ms Tierney due Thursday, 20 June 2019.
- **Suburban rail link – Doncaster** — substantive question asked by Mr Hayes — response from Ms Pulford due Friday, 21 June 2019.

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

**10 MANAGEMENT OF PUBLIC LAND** — Debate continued on the question, That this House —

- (1) recognises that the Government has locked Victorians out of public land, and in doing so has —
  - (a) prevented enjoyment of outdoor recreation, caused severe distress to affected businesses and disrupted long-running events;
  - (b) in many instances, failed to —

- (i) consult with affected parties;
  - (ii) construct public land arrangements that satisfy all users that rely on public land access;
  - (iii) provide notice to public land users;
  - (iv) provide adequate recourse to public land users;
- (2) notes that —
- (a) cultural heritage legislation is a cause of many lockouts;
  - (b) Parks Victoria manages regional public land from a centralised office in Melbourne;
- (3) calls on the Government to —
- (a) improve accountability in Parks Victoria and Aboriginal Victoria; and
  - (b) consider a decentralised management structure for public lands so that local communities have a guaranteed opportunity to provide input on all significant decisions made about public land.

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

Question — put and agreed to.

**11 WEST GATE TUNNEL STEEL** — Ms Wooldridge moved, That this House —

- (1) expresses its concern —
  - (a) that commitments on the percentage share of local steel made products to be incorporated into the project by the consortium contracted to build the Transurban West Gate Tunnel Project, headlined by CPB Contractors and John Holland, at the time of tendering and contractual close, appear to have been ineffective;
  - (b) at the impact of this failure on Australian and Victorian steel producers and engineering firms, including those in country Victoria;
- (2) calls on the Government to rectify this shortfall by insisting commitments entered into by the consortium with the Victorian Government be honoured; and
- (3) demands that the Hon Jaala Pulford MLC, the Minister representing the Minister for Transport Infrastructure, the Hon Jacinta Allen MP, in the Legislative Council, table a report at the end of each financial year that details the share of Australian steel, and the Victorian contribution to that component, in the West Gate Tunnel Project.

Debate ensued.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 113, be postponed until later this day.

**13 CFMEU STATE SECRETARY, MR JOHN SETKA** — Ms Crozier moved, That this House notes —

- (1) the inaction by the Premier, the Hon Daniel Andrews MP, in condemning the actions of CFMEU State Secretary, Mr John Setka, in relation to family violence and the harassment of women;
  - (2) the hypocrisy of the Premier continuing to support Mr Setka, who has a history of standover tactics and intimidation in the workplace, and now harassment and family violence;
  - (3) the comments by the Premier who has previously stated that failing to keep women and children safe is a “reflection on government” and “a failure of political leadership”;
  - (4) the comments by the Premier that “the standard you walk past is the standard you accept”;
  - (5) that the Australian Labor Party, Victorian Division, continues to take donations from the CFMEU for party political purposes, and has collected more than \$3.3 million from the Union since 1998;
  - (6) that Labor Legislative Council Members, Mr Mark Gepp MLC, and Ms Jane Garrett MLC, feature in a video with Mr Setka promoting Labor’s internal warfare;
- and calls on the Premier to protect Victorians, promote harmony, oppose bullying tactics and instigate the expulsion of Mr Setka from the Labor Party.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Jennings.*

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

**15 LOCAL GOVERNMENT (SOUTH GIPPSLAND SHIRE COUNCIL) BILL 2019** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to dismiss the South Gippsland Shire Council and provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Somyurek, the Bill was read a first time.

Pursuant to Standing Order 14.34, Mr Somyurek declared the Bill to be an urgent bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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.

Debate ensued.

An Amendment proposed to be moved in Committee by Dr Ratnam was circulated.

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.

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

Debate ensued.

Question — put and agreed to.

Bill 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 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 6.57 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 25 — Thursday, 20 June 2019

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

**2 PETITION — SAVE CURRAJONG HOUSE** — Ms Crozier presented a Petition bearing 182 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Planning, the Hon Richard Wynne MP, to guarantee that Currajong House, the heritage property at 337 Auburn Road in Hawthorn East, will not be demolished and that an assessment of significant properties of architectural and heritage value in the area be undertaken.

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 —

Managing Private Medical Practice in Public Hospitals, June 2019 (*Ordered to be published*).



School Compliance with Victoria's Child Safe Standards, June 2019 (*Ordered to be published*).

Multicultural Victoria Act 2011 — Victorian Government Report in Multicultural Affairs, 2017-18.

Planning and Environment Act 1987 — Notice of Approval of amendments to the Banyule and Manningham Planning Schemes — Amendment GC140.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 31 and 46.

Legislative instrument and related documents under section 16B in respect of a Ministerial Direction of 20 May 2019 to implement the National Consumer Protection Framework pursuant to section 4.8A.2 of the Gambling Regulation Act 2003.

West Gate Tunnel (Truck Bans and Traffic Management) Act 2019 — West Gate Tunnel Project Agreement, pursuant to section 12 of the Act.

- 4 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Dr Ratnam moved, by leave, That Dr Ratnam be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

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

- 6 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 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.

\* \* \* \* \*

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

- **Community Chef and Regional Kitchen funding** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 21 June 2019.
- **Wyndham waste to energy facility** — substantive and supplementary questions asked by Dr Cumming — response from Mr Jennings due Monday, 24 June 2019.
- **Domestic violence** — substantive question asked by Mr Barton — response from Ms Mikakos due Monday, 24 June 2019.
- **Electronic monitoring of offenders** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Monday, 24 June 2019.

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

- 9 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — Bill further considered in Committee of the whole.

*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.

Bill reported without amendment, 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, 21

Dr Cumming; Mr Elasmarr; 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 Meddick and Mr Melhem*)

## NOES, 18

Mr Atkinson; Mr Barton; 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 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 amendments.

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

Question — put and agreed to.

- 11 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 to ensure that a married woman is not required to obtain the consent of her spouse to undergo a treatment procedure using donor sperm in circumstances where the woman has separated from her spouse, to make consequential and other amendments to the Status of Children Act 1974 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 12 SUPERANNUATION LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986 and certain other Superannuation Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 13 PUBLIC HOLIDAYS AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Holidays Act 1993 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**14 OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Owner Drivers and Forestry Contractors Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**15 ADJOURNMENT** — Ms Tierney 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 9.34 p.m., adjourned until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# ATTACHMENT 1

## Minutes Nos. 23, 24 and 25

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### FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019

Tuesday 18 June 2019

In Minutes No. 23, Mr O'Donohue moved the following motion (for details of the resolution of this motion, see pp. 167-9):

Mr O'Donohue moved, That it be an instruction to the Committee that they have the power to divide the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019** into two Bills as follows:

- (a) A **Firefighters' Presumptive Rights Compensation Bill 2019** being the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019** with the following changes:

- (i) Long title as follows:

"A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** and for other purposes.";

- (ii) Short title as follows:

**"Firefighters' Presumptive Rights Compensation Bill 2019"**;

- (iii) Heading to Part 1 of the Bill;

- (iv) Clause 1 as follows:

**"1 Purpose**

The purpose of this Act is to provide a rebuttable presumption for—

- (a) career firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their employment for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**; or
- (b) volunteer firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their service as a firefighter for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**.";

- (v) Clause 2 as follows:

**"2 Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.";

- (vi) Heading to Part 2 of the Bill;

- (vii) Heading to Division 1 of Part 2 of the Bill;

- (viii) Clause 3 as follows:

**"3 Definitions**

- (1) In this Act—

**advisory committee** means the advisory committee established under section 19;

**Authority** means the Victorian WorkCover Authority;

**career firefighter** means a person who is or was employed by a fire service as a firefighter in a role in which firefighting duties are or were a substantial portion;

**CFA** means the Country Fire Authority established under the **Country Fire Authority Act 1958**;

**firefighter** means—

- (a) a career firefighter; or
- (b) a volunteer firefighter;

**firefighting** means exposure to the hazards of a fire scene, including extinguishing, controlling or preventing the spread of fires;

**volunteer firefighter** means a person who performs or has performed firefighting duties, in a role in which firefighting duties are or were a substantial portion, and who receives or received no remuneration for the performance of those duties.

(2) A reference in this Act to **employment** in relation to a career firefighter includes appointment.";

(ix) Clause 5 renumbered 4;

(x) Heading to Division 2 of Part 2 of the Bill;

(xi) Clauses 6 to 8 renumbered 5 to 7;

(xii) Heading to Division 3 of Part 2 of the Bill;

(xiii) Clauses 9 to 12 renumbered 8 to 11;

(xiv) Heading to Division 4 of Part 2 of the Bill;

(xv) Clauses 13 to 16 renumbered 12 to 15;

(xvi) Heading to Division 5 of Part 2 of the Bill;

(xvii) Clauses 17 to 22 renumbered 16 to 21;

(xviii) Schedule 1;

(b) a **Fire Services Legislation Amendment (Reform) Bill 2019** being the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2019** with the following changes:

(i) Long title as follows:

"A Bill for an Act to amend the **Metropolitan Fire Brigades Act 1958**, the **Country Fire Authority Act 1958** and certain other Acts to reform fire services and for other purposes.";

(ii) Short title as follows:

**"Fire Services Legislation Amendment (Reform) Bill 2019"**;

(iii) Heading to Part 1 of the Bill;

(iv) Clauses 1 to 3 as follows:

**"1 Purpose**

The purpose of this Act is to—

- (a) amend the **Metropolitan Fire Brigades Act 1958**—

- (i) to abolish the Metropolitan Fire and Emergency Services Board and to establish Fire Rescue Victoria to take on its functions; and
  - (ii) to abolish the positions of Chief Executive Officer of the Metropolitan Fire and Emergency Services Board and Chief Officer of the Metropolitan Fire and Emergency Services, and to establish the positions of Fire Rescue Commissioner and Deputy Fire Rescue Commissioner; and
  - (iii) to establish the Strategic Advisory Committee to advise Fire Rescue Victoria; and
  - (iv) to change the boundaries of the Fire Rescue Victoria fire district; and
  - (v) to provide a new mechanism for changing the boundaries of the Fire Rescue Victoria fire district by establishing the Fire District Review Panel to review the Fire Rescue Victoria fire district; and
  - (vi) to establish the Fire Services Monitor and the Firefighters Registration Board; and
- (b) to amend the **Country Fire Authority Act 1958**—
- (i) to make it an objective of the Country Fire Authority to support the recruitment, development and retention of volunteer officers and members; and
  - (ii) to recognise the Country Fire Authority as a fully volunteer fire fighting service; and
  - (iii) to allow certain functions to be performed and powers to be exercised within the Fire Rescue Victoria fire district; and
- (c) make consequential and other amendments to other Acts.

## 2 Commencement

This Act comes into operation on a day to be proclaimed.

## 3 Principal Act

In this Act, the **Metropolitan Fire Brigades Act 1958** is called the Principal Act.;"

- (v) Heading to Part 3 of the Bill renumbered 2;
- (vi) Clauses 23 to 57 renumbered 4 to 38;
- (vii) Heading to Part 4 of the Bill renumbered 3;
- (viii) Clauses 58 to 73 renumbered 39 to 54;
- (ix) Heading to Part 5 of the Bill renumbered 4;
- (x) Clauses 74 to 81 renumbered 55 to 62;
- (xi) Heading to Part 6 of the Bill renumbered 5;
- (xii) Clauses 82 to 83 renumbered 63 to 64;
- (xiii) Heading to Part 7 renumbered 6;
- (xiv) Clause 84 renumbered 65;
- (xv) Heading to Part 8 renumbered 7;
- (xvi) Clause 85 renumbered 66;
- (xvii) Heading to Part 9 renumbered 8;

- (xviii) Clauses 86 to 143 renumbered 67 to 124;
- (xix) Heading to Part 10 renumbered 9;
- (xx) Heading to Division 1 of Part 10 of the Bill;
- (xxi) Clause 144 renumbered 125;
- (xxii) Heading to Division 2 of Part 10 of the Bill;
- (xxiii) Clauses 145 to 148 renumbered 126 to 129;
- (xxiv) Heading to Division 3 of Part 10 of the Bill;
- (xxv) Clauses 149 to 151 renumbered 130 to 132;
- (xxvi) Heading to Division 4 of Part 10 of the Bill;
- (xxvii) Clauses 152 to 158 renumbered 133 to 139;
- (xxviii) Heading to Division 5 of Part 10 of the Bill;
- (xxix) Clauses 159 to 161 renumbered 140 to 142;
- (xxx) Heading to Division 6 of Part 10 of the Bill;
- (xxxi) Clause 162 renumbered 143;
- (xxxii) Heading to Division 7 of Part 10 of the Bill;
- (xxxiii) Clause 163 renumbered 144;
- (xixxv) Heading to Division 8 of Part 10 of the Bill;
- (xxxvi) Clause 164 renumbered 145;
- (xxxvii) Heading to Division 9 of Part 10 of the Bill;
- (xxxviii) Clauses 165 to 167 renumbered 146 to 148;
- (xxxix) Heading to Division 10 of Part 10 of the Bill;
  - (xl) Clauses 168 to 169 renumbered 149 to 150;
  - (xli) Heading to Division 11 of Part 10 of the Bill;
  - (xlii) Clauses 170 to 171 renumbered 151 to 152;
  - (xlili) Heading to Division 12 of Part 10 of the Bill;
  - (xliv) Clause 172 renumbered 153;
  - (xlv) Heading to Division 13 of Part 10 of the Bill;
  - (xlvi) Clauses 173 to 177 renumbered 154 to 158;
  - (xlvii) Heading to Division 14 of Part 10 of the Bill;
  - (xlviii) Clause 178 renumbered 159;
  - (xlix) Heading to Division 15 of Part 10 of the Bill;
    - (l) Clause 179 renumbered 160;
    - (li) Heading to Division 16 of Part 10 of the Bill;
    - (lii) Clause 180 renumbered 161;
    - (liii) Heading to Division 17 of Part 10 of the Bill;
    - (liv) Clauses 181 to 183 renumbered 162 to 164;
    - (lv) Heading to Division 18 of Part 10 of the Bill;
    - (lvi) Clause 184 renumbered 165;
    - (lvii) Heading to Division 19 of Part 10 of the Bill;



- (lviii) Clause 185 renumbered 166;
- (lix) Heading to Division 20 of Part 10 of the Bill;
- (lx) Clause 186 renumbered 167;
- (lxi) Heading to Division 21 of Part 10 of the Bill;
- (lxii) Clauses 187 to 188 renumbered 168 to 169;
- (lxiii) Heading to Division 22 of Part 10 of the Bill;
- (lxiv) Clause 189 renumbered 170;
- (lxv) Heading to Division 23 of Part 10 of the Bill;
- (lxvi) Clause 190 renumbered 171;
- (lxvii) Heading to Division 24 of Part 10 of the Bill;
- (lxviii) Clause 191 renumbered 172;
- (lxix) Heading to Part 11 of the Bill renumbered 10;
- (lxx) Clause 173 as follows:

**"173 Repeal of this Act**

This Act is **repealed** on the first anniversary of the day on which all of the provisions of this Act are in operation.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by this Act (see section 15(1) of the **Interpretation of Legislation Act 1984**).".



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 23, 24 and 25

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### DISABILITY (NATIONAL DISABILITY INSURANCE SCHEME TRANSITION) AMENDMENT BILL 2019

*Committed Tuesday, 18 June 2019*

**Clauses 1 to 276** — put and agreed to.

**Bill reported without amendment.**

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### LOCAL GOVERNMENT (SOUTH GIPPSLAND SHIRE COUNCIL) BILL 2019

*Committed Wednesday, 19 June 2019*

*Amendment circulated: Dr Ratnam (p. 186)*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Dr Cumming; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mr Quilty; Dr Ratnam.  
*(Tellers: Dr Cumming and Mr Grimley)*

NOES, 31

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr;  
Mr Finn; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur;  
Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten;  
Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor;  
Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.  
*(Tellers: Mr Bourman and Mr Meddick)*

Question negated.

Clause 10 — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019

*Committed Thursday, 20 June 2019*

*Amendments circulated: Mr Bourman (JB02C) (p. 186) and Mr O'Donohue (p. 186); and  
Amendments and suggested amendments circulated: Mr Bourman (JB06C) (p. 186)*

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

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Mr Bourman moved Amendment Nos. 1 and 2 (JB06C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

(Tellers: Ms Bath and Mr Bourman)

NOES, 23

Dr Cumming; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Mr Elasmarr and Ms Shing)

Question negatived.

Clause 6 — put and agreed to.

**Clauses 7 and 8** — put and agreed to.

**Clause 9** — Mr Bourman moved suggested Amendment Nos. 3 and 4 (*JB06C*).

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

(Tellers: Mr Hayes and Mrs McArthur)

NOES, 23

Dr Cumming; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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 Symes)

Question negatived.

Clause 9 — put and agreed to.

**Clauses 10 and 11** — put and agreed to.

**Clause 12** — Mr Bourman moved Amendment No. 1 (*JB02C*).

Question — That clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Dr Cumming; Mr Elasmarr; 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 Melhem and Dr Ratnam)

NOES, 18

Mr Atkinson; Mr Barton; 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 Barton and Mr Grimley)

Question agreed to.

**Clauses 13 to 50** — put and agreed to.

**Clause 51** — Mr Bourman moved Amendment No. 3 (*JB02C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; 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 Crozier and Ms Wooldridge)*

NOES, 21

Dr Cumming; Mr Elasmarr; 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 Meddick and Ms Pulford)*

Question negatived.

Clause 51 — put and agreed to.

**Clauses 52 to 77** — put and agreed to.

**Clause 78** — Mr O'Donohue moved Amendment No.1 (*EOD01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; 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, 21

Dr Cumming; Mr Elasmarr; 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 negatived.

Clause 78 — put and agreed to.

**Clauses 79 to 192** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LOCAL GOVERNMENT (SOUTH GIPPSLAND SHIRE COUNCIL) BILL 2019**Amendment circulated by Dr Ratnam

Clause 10, line 24, omit "2021" and insert "2020".

**2. FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019**Amendments circulated by Mr Bourman (JB02C)

1. Clause 12, omit this clause.

2. Clause 20, page 18, lines 13 to 20, omit these lines and insert—

"(2) The purpose of the advisory committee is to provide an expert opinion to the Authority as to whether a firefighter has had an exceptional exposure event."

3. Clause 51, page 43, line 28, after this line insert—

"(9A) For the avoidance of doubt, nothing in section 25B or this section enables an officer or employee being made available under a secondment agreement to be appointed, whether on a full-time, part-time or other basis, to the role of Chief Officer, Deputy Chief Fire Officer or Chief Executive Officer under the **Country Fire Authority Act 1958** or to any other role with a management classification under section 17 of the **Country Fire Authority Act 1958**."

Amendments and suggested amendments circulated by Mr Bourman (JB06C)

1. Clause 6, line 29, omit "injury—" and insert "injury is a disease referred to in column 1 of the Table in Schedule 1; and".

2. Clause 6, lines 30 to 32, omit all words and expressions on these lines.

**3. Suggested amendment to the Legislative Assembly—**

Clause 9, line 28, omit "injury—" and insert "injury is a disease referred to in column 1 of the Table in Schedule 1; and".

**4. Suggested amendment to the Legislative Assembly—**

Clause 9, lines 29 to 31, omit all words and expressions on these lines.

Amendment circulated by Mr O'Donohue (EOD01C)

Clause 78, page 69, lines 32 and 33, omit ", subject to operational requirements,".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 26, 27 and 28

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### No. 26 — Tuesday, 13 August 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments —
  - On 21 June 2019 —  
*Local Government (South Gippsland Shire Council) Act 2019*
  - On 25 June 2019 —  
*Disability (National Disability Insurance Scheme Transition) Amendment Act 2019*
  - On 2 July 2019 —  
*Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019.*
- 3 **PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had, on 24 June 2019, presented to the Governor the Address of the Legislative Council adopted on 1 May 2019 in reply to the Governor's speech at the Opening of Parliament, and that she was pleased to make the following reply:

PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.
- 4 **JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced that he had received —
  - (1) a letter from the Victorian Branch of the Australian Labor Party, dated 15 July 2019, advising that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
  - (2) a letter from the Minister for Health, dated 9 August 2019, requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation; and
  - (3) a letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation, dated 12 August 2019, requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Board of the Victorian Responsible Gambling Foundation.

Mr Jennings moved, by leave, That —

- (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to —
  - (a) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
  - (b) elect Members for appointment to the Victorian Health Promotion Foundation;
  - (c) elect Members for appointment to the Victorian Responsible Gambling Foundation Board;

and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 14 August 2019 at 6.15 p.m.; and

- (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 14 August 2019 the Order of Business will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At **12 noon** Questions

Answers to Questions on Notice

General Business (continues)

At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

At **5.45 p.m.** Adjournment (up to 20 Members)

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

**5 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.

\* \* \* \* \*

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

- **Murray Basin Rail Project** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 15 August 2019.
- **Public housing** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 15 August 2019.

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

**7 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday 14 August 2019 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to —

- choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
- elect three members of Parliament to the Victorian Health Promotion Foundation; and
- elect three members of Parliament to the Board of the Victorian Responsible Gambling Foundation.

**8 PETITIONS** —

**BILLS STREET PUBLIC HOUSING ESTATE** — Mr Davis presented a Petition bearing 35 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Boroondara Council remains the responsible authority for planning decisions relating to both the Bills Street Public Housing Estate and neighbouring University



of Melbourne sites, that a two to three storey height limit is enforced and the re-development incorporates a component of new public housing and is not sold off to private developers.

Ordered to lie on the Table.

\* \* \* \* \*

**FISHERMANS BEND PUBLIC TRANSPORT ALTERNATIVES** — Mr Hayes presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council appoint an independent panel to review public transport alternatives at Fishermans Bend, including an Immersed Tube under the Yarra and ‘trackless trams’.

Ordered to lie on the Table.

\* \* \* \* \*

**SHEPPARTON EDUCATION PLAN** — Ms Lovell presented a Petition bearing 1,364 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease and desist the Shepparton Education Plan so that the four public secondary schools proposed for amalgamation remain functioning as single entities.

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.

**9 ENVIRONMENT PROTECTION AMENDMENT (REFUND ON BOTTLES AND CANS) BILL 2019** — Dr Ratnam introduced *A Bill for an Act to amend the Environment Protection Act 2017 to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective State-wide container deposit scheme and for other purposes.*

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

**10 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2019** — Mr Barton introduced *A Bill for an Act to amend the Commercial Passenger Vehicle Industry Act 2017 to provide for certain offences including the offence of touting for a commercial passenger vehicle service and for other purposes.*

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

**11 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 9 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO STATE TRUSTEES** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman’s Report on the Investigation into State Trustees, June 2019.

\* \* \* \* \*

**AUDITOR-GENERAL — ANNUAL PLAN 2019-20** — Pursuant to section 7A(9)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General’s Annual Plan, 2019-20.

\* \* \* \* \*

**ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS — PROGRESS REPORT** — Pursuant to section 37(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Progress Report of the Royal Commission into the Management of Police Informants.

\* \* \* \* \*

**PARLIAMENTARY BUDGET OFFICE OPERATIONAL PLAN 2019-20** — Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, the Clerk laid on the Table a copy of the Parliamentary Budget Office’s Operational Plan, 2019-20.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO WELLINGTON SHIRE COUNCIL’S HANDLING OF NINETY MILE BEACH SUBDIVISIONS** — Pursuant to section 25AA(4)(c) of the *Ombudsman*

Act 1973, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into Wellington Shire Council's Handling of Ninety Mile Beach Subdivisions, August 2019.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 13 June 2019 giving approval to the granting of a licence at Kardinia Park Memorial Pool Reserve.

Order of 21 June 2019 giving approval to the granting of a lease and a licence at Albert Park.

Order of 30 July 2019 giving approval to the granting of a licence at Cranbourne Wetlands Nature Conservation Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by the Chief Commissioner of Victoria Police for 2018.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 48.

Melbourne Cricket Ground Trust — Report, year ended 31 March 2019.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2019 (*Ordered to be published*).

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

Alpine Resorts Planning Scheme — Amendment C28.

Banyule, Frankston, Hume, Kingston, Manningsham, Maribyrnong, Mitchell, Surf Coast and Whittlesea Planning Schemes — Amendment GC129.

Bass Coast Planning Scheme — Amendments C151 and C156.

Boroondara and Stonnington Planning Schemes — Amendment GC126.

Boroondara, Maribyrnong, Melbourne, Moreland, Stonnington, Wyndham and Yarra Ranges Planning Schemes — Amendment GC130.

Boroondara Planning Scheme — Amendment C276.

Brimbank, Darebin, Greater Bendigo, Greater Dandenong, Hobsons Bay, Knox, Monash, Port Phillip, Whitehorse and Yarra Planning Schemes — Amendment GC132.

Campaspe Planning Scheme — Amendment C112.

Cardinia Planning Scheme — Amendment C220.

Casey Planning Scheme — Amendments C224, C266 and C267.

Darebin Planning Scheme — Amendment C183.

French Island and Sandstone Island Planning Scheme — Amendment C7.

Golden Plains Planning Scheme — Amendment C74.

Greater Dandenong Planning Scheme — Amendment C221.

Greater Geelong Planning Scheme — Amendment C375.

Hume Planning Scheme — Amendments C205 and C236.

Kingston Planning Scheme — Amendment C166.

Latrobe Planning Scheme — Amendment C113.

Maroondah Planning Scheme — Amendments C126 and C135.

Melbourne and Port Phillip Planning Schemes — Amendment GC118.

Mitchell and Whittlesea Planning Schemes — Amendment GC134.

Mornington Peninsula Planning Scheme — Amendment C264.

Murrindindi Planning Scheme — Amendment C65.

Port Phillip Planning Scheme — Amendment C173.

South Gippsland Planning Scheme — Amendment C121.

Wellington Planning Scheme — Amendment C106.

Whitehorse Planning Scheme — Amendments C223 and C224.

Wodonga Planning Scheme — Amendment C98.

Yarra Ranges Planning Scheme — Amendment C163 (Part 1).

- Professional Standards Act 2003 — Amendment to the Australian Property Institute Valuers Limited Professional Standards Scheme (*Gazette No. G27, 4 July 2019*).
- Statutory Rules under the following Acts of Parliament —
- Audit Act 1994 — Nos. 55 and 56.
  - Child Wellbeing and Safety Act 2005 — No. 60.
  - Commercial Passenger Vehicle Industry Act 2017 — No. 53.
  - Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 — No. 62.
  - Heavy Vehicle National Law Application Act 2013 — No. 67.
  - Improving Cancer Outcomes Act 2014 — No. 50.
  - Long Service Benefits Portability Act 2018 — No. 52.
  - Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 49.
  - Magistrates' Court Act 1989 — Family Violence Protection Act 2008 — Personal Safety Intervention Orders Act 2010 — No. 59.
  - Marine Safety Act 2010 — No. 61.
  - Melbourne City Link Act 1995 — No. 68.
  - Mineral Resources (Sustainable Development) Act 1990 — No. 48.
  - Public Health and Wellbeing Act 2008 — No. 47.
  - Racing Act 1958 — No. 66.
  - Rail Safety (Local Operations) Act 2006 — No. 63.
  - Road Safety Act 1986 — No. 54.
  - Tobacco Act 1987 — No. 51.
  - Transport (Compliance and Miscellaneous) Act 1983 — No. 57.
  - Victorian Civil and Administrative Tribunal Act 1998 — Nos. 58 and 64.
  - Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 65.
- Subordinate Legislation Act 1994 —
- Documents under section 15 —
    - Rail Safety National Law National Regulations (Fees) Variation Regulations 2019.
    - Rail Safety National Law National Regulations Variation Regulations 2019.
    - Statutory Rule Nos. 36, 40, 41, 45, 47 to 51, 53 to 65 and 68.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Determination of Accreditation and Registration Fees of 19 June 2019 under the Commercial Passenger Vehicle Industry Act 2017 and the Transport (Compliance and Miscellaneous) Act 1983.
    - Order in Council clarifying the intended maximum price applying to electricity sellers under the transitional pricing rule under clause 27 of the General Exemption Order of 1 July 2019 under the Electricity Industry Act 2000.
    - Fundraising Exemption Order 2019 of 25 June 2019 under the Fundraising Act 1998.
- Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in March 2019.
- Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 26 June 2019.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Disability (National Disability Insurance Scheme Transition) Amendment Act 2019 — Division 2 of Part 2, Division 4 of Part 4 and Sections 252 to 255, 257, 261(1), 263 to 265(1), 266, 268, 270, 272 to 274(1) and 275 — 1 July 2019 — Sections 145(1), (2) and (3) and 214 and Divisions 1 and 2 of Part 3 — 2 July 2019 (*Gazette No. S254, 25 June 2019*).
- Disability Service Safeguards Act 2018 — Sections 1 and 2 and Parts 18 (except Sections 300 and 301), 19 and 20 — 1 July 2019 (*Gazette No. S254, 25 June 2019*).
- Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018 — Sections 37, 41, 44 and 72(2) — 30 June 2019 (*Gazette No. S239, 18 June 2019*).

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 14(1), 17, 18, 20, 21, 28 and 29 and the Remaining Provisions of Parts 5 and 6 and Part 7 — 31 July 2019 (*Gazette No. S306, 30 July 2019*).

Residential Tenancies Amendment Act 2018 — Sections 34(5) (except paragraphs (a) and (b)) and 53(4) and Division 2 of Part 18 — 19 June 2019 (*Gazette No. S228, 12 June 2019*).

Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019 — Division 2 of Part 5 and Sections 45 and 47 — 8 July 2019 (*Gazette No. S282, 2 July 2019*).

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

Question — put and agreed to.

- 13 BUSINESS OF THE COUNCIL** — Mr Limbrick moved, by leave, That precedence be given to the following General Business on Wednesday, 14 August 2019 —

- (1) the notice of motion given this day by Dr Cumming in relation to disability parking permits;
- (2) the notice of motion given this day by Dr Cumming in relation to pet registrations;
- (3) the notice of motion given this day by Mr Rich-Phillips referring a matter to the Environment and Planning Committee relating to the Solar Homes Program; and
- (4) Notice of Motion No. 111 standing in the name of Mr Limbrick referring a matter to the Environment and Planning Committee relating to removing prohibitions enacted by the *Nuclear Activities (Prohibitions) Act 1983*.

Question — put and agreed to.

- 14 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY ACT 2017 REFORMS** — Mr Elasmар moved, by leave, That the Resolution of the Council of 20 February 2019 requiring the Economy and Infrastructure Committee to inquire into and report, no later than 30 October 2019, on the operation of the commercial passenger vehicle reforms, be amended so as to now require the Committee to present its report by 28 November 2019.

Question — put and agreed to.

- 15 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE** — Mr Elasmар moved, by leave, That the Resolution of the Council of 1 May 2019 requiring the Economy and Infrastructure Committee to inquire into and report, by 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries, be amended so as to now require the Committee to present its report by 1 February 2020.

Question — put and agreed to.

- 16 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Elasmар moved, by leave, That the Resolution of the Council of 5 June 2019 requiring the Economy and Infrastructure Committee to inquire into and report, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, be amended so as to now require the Committee to present its report by 1 July 2020.

Question — put and agreed to.

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

- 18 PUBLIC HEALTH AND WELLBEING 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, 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.

**19 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

**20 ESSENTIAL SERVICES COMMISSION AMENDMENT (GOVERNANCE, PROCEDURAL AND ADMINISTRATIVE IMPROVEMENTS) 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.

**21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 4.32 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 27 — Wednesday, 14 August 2019

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

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 66.

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

**4 DISABILITY PARKING PERMITS** — Dr Cumming moved, That this House calls on the Government to develop and launch a state-wide system for the administration, distribution and monitoring of Disability Parking Permits, that —

- (1) complements the national Australian Disability Parking Scheme;
- (2) is centralised and administrated entirely by VicRoads;
- (3) is standardised to provide equal access to services regardless of where people live, relocate, or travel to;
- (4) removes the excessively complicated administrative procedures currently in place;
- (5) includes a standardised education and information program and service with the primary aims of improving access and compliance;
- (6) reduces confusion within the community in relation to the local, state and federal government's expectations; and
- (7) reduces fraud.

Debate ensued.

Question — put and agreed to.

**5 PET REGISTRATIONS** — Dr Cumming moved, That this House calls on the Government to develop and launch a state-wide system for the administration and distribution of pet registrations, and in doing so —

- (1) consider —
  - (a) a centralised and standardised system to reduce confusion within the community in relation to the local, state and federal governments' expectations;
  - (b) the cost to owners;
  - (c) an education and information program that aims at improving access and compliance;

- (d) the removal of excessively complicated administrative procedures that are currently in place;
  - (e) funding to local councils so that they may comply with duties under the *Domestic Animals Act 1994*; and
- (2) ensure that the system complies with the *Domestic Animals Act 1994* and complements the national microchipping registration process.

Debate ensued.

Question — put and agreed to.

**6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — SOLAR HOMES PROGRAM** — Mr Rich-Phillips moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;
- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (8) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne.

Debate ensued.

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

**7 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.

\* \* \* \* \*

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

- **Murray-Darling water trading** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 16 August 2019.
- **Building cladding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 16 August 2019.
- **Prisoner recidivism** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Friday, 16 August 2019.

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

**9 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — SOLAR HOMES PROGRAM** — Debate continued on the question, That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;

- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (8) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne.

Dr Ratnam moved, as an amendment, That after paragraph (6) **insert** the following new paragraph:

“(7) how the Program can be restructured for greater and more cost-effective reductions in greenhouse emissions and energy poverty;”.

Debate ensued.

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

Question — That the amendment moved by Dr Ratnam be agreed to — put and agreed to.

Question — That the motion, moved by Mr Rich-Phillips, amended as follows, be agreed to — That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;
- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) how the Program can be restructured for greater and more cost-effective reductions in greenhouse emissions and energy poverty;
- (8) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (9) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Mr Barton; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mrs McArthur and Dr Ratnam)*

## NOES, 19

Dr Cumming; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Vaghela.  
(*Tellers: Ms Garrett and Mr Gepp*)

The Ayes and Noes being equal, the question was negatived.

**10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — NUCLEAR ENERGY —**

Mr Limbrick moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, within 12 months, on potential benefits to Victoria in removing prohibitions enacted by the *Nuclear Activities (Prohibitions) Act 1983*, and in particular, the Committee should —

- (1) investigate the potential for Victoria to contribute to global low carbon dioxide energy production through enabling exploration and production of uranium and thorium;
- (2) identify economic, environmental and social benefits for Victoria, including those related to medicine, scientific research, exploration and mining;
- (3) identify opportunities for Victoria to participate in the nuclear fuel cycle; and
- (4) identify any barriers to participation, including limitations caused by federal or local laws and regulations.

Debate ensued.

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

Question — put and agreed to.

**11 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.**12 STATEMENTS ON REPORTS, PAPERS AND PETITIONS —** Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.**13 ADJOURNMENT —** Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 5.31 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

**No. 28 — Thursday, 15 August 2019**

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

**2 JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION —** The President reported that the House met with the Legislative Assembly on Wednesday, 14 August 2019 to —

- (1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis and that Mr Enver Erdogan was elected to hold the vacant place in the Legislative Council;
- (2) elect Members to the Victorian Health Promotion Foundation and that Ms Sarah Connolly MP, Ms Bridget Vallence MP, and Mr Andy Meddick MLC, were elected to the Foundation for a three year term commencing immediately; and
- (3) elect Members to the Board of the Victorian Responsible Gambling Foundation and that Ms Maree Edwards MP, Mr Tim McCurdy MP, and Mr James Newbury MP, were elected to the Board for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.



**3 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr Enver Erdogan, having been introduced, approached the Table and took and subscribed the affirmation required by law.

**4 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019** — Ms Patten introduced *A Bill for an Act to amend the Racial and Religious Tolerance Act 2001 to extend the application of that Act to include protection from vilification based on certain protected attributes, to make related amendments and for other purposes.*

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

**5 WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019** — Mr Meddick introduced *A Bill for an Act to amend the Wildlife Act 1975 to protect certain birds, to prohibit the hunting, taking or destruction of those birds, to make further provision for other activities relating to birds and to make other amendments and for other purposes.*

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

**6 ORDER OF THE DAY DISCHARGED** — Mr Meddick moved, by leave, That Order of the Day, General Business, No. 3, Wildlife Amendment (Protection of Birds) Bill 2019 be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

**7 PAPERS** —

**COUNTY COURT OF VICTORIA REPORT, 2017-18** — Mr Jennings presented, by Command of the Governor, the County Court of Victoria Report, 2017-18.

Report ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 63.

Victorian Environmental Assessment Council Act 2001 — Victorian Environmental Assessment Council's Central West Investigation Final Report, June 2019.

**8 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 27 August 2019.

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. 127 to 141, be postponed until later this day.

**11 WATER AND CATCHMENT 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 Mr Davis were circulated.

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

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

\* \* \* \* \*

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

- **Drug driving tests** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Monday, 19 August 2019.
- **SEA Electric contract** — substantive question asked by Ms Wooldridge — response from Ms Symes due Friday, 16 August 2019.
- **Red kangaroo control** — substantive question asked by Mr Meddick — response from Mr Jennings due Monday, 19 August 2019.

- **North Richmond Community Centre** — substantive and supplementary questions asked by Ms Crozier — response from Mr Somyurek due Tuesday, 20 August 2019.
- **Waste and recycling management** — supplementary question asked by Dr Ratnam — response from Mr Jennings due Monday, 19 August 2019.

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

**14 WATER AND CATCHMENT 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.

Mr Quilty moved, That the Water and Catchment Legislation Amendment Bill 2019 be referred to the Environment and Planning Committee for inquiry, consideration and report by Tuesday, 26 November 2019.

Debate ensued.

Question — put and negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten 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 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 ENVIRONMENT PROTECTION AMENDMENT BILL 2019** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 to prohibit the provision of certain plastic bags and to prevent the provision of misleading information relating to plastic bags and to make technical and consequential amendments to the Environment Protection Amendment Act 2018 and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

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

**17 FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Flora and Fauna Guarantee Act 1988 to promote Victoria's biodiversity by establishing objectives and principles of the Act, imposing additional obligations to consider biodiversity in decision-making, improving transparency and accountability and making various other amendments to strengthen the Act and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

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

**18 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Births, Deaths and Marriages Registration Act 1996 to provide for a person to alter the record of a person's sex in the person's birth registration and to further provide for the issuing of a document acknowledging a person's name and sex, to make consequential amendments to the Children, Youth and Families Act 2005, the Corrections Act 1986, the Serious Offenders Act 2018 and the Sex Offenders Registration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

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

**19 ADJOURNMENT** — Mr Somyurek moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.33 p.m., adjourned until Tuesday, 27 August 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 26, 27 and 28

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### **WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019**

*Committed Thursday, 15 August 2019*

*Amendments circulated: Mr Davis (p. 202)*

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

**Clause 5** — Mr Davis moved Amendment No. 1.

Question — That the Amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

*(Tellers: Ms Bath and Ms Wooldridge)*

NOES, 28

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmr; Mr Erdogan; Ms Garrett; Mr Gepp;  
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 Vaghela.

*(Tellers: Ms Stitt and Ms Taylor)*

Question negated.

Clause 5 — put and agreed to.

**Clauses 6 to 128** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019**

*Committed Thursday, 15 August 2019*

*Amendments circulated: Ms Patten (pp. 202-3)*

**Clauses 1 to 10** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019***Amendments circulated by Mr Davis*

1. Clause 5, page 8, after line 24 insert—

'(11) In section 3(1) of the Principal Act **insert** the following definition—

**"Commonwealth environmental water holdings** has the same meaning as in the Water Act 2007 of the Commonwealth."'

2. Insert the following New Clause to follow clause 14—

**'14A Contents of a long-term water resources assessment**

For section 22L(a) of the Principal Act **substitute**—

"(a) there has been any decline in the long-term availability of surface water or groundwater and whether the decline has fallen disproportionately on—

(i) the environmental water reserve and any Commonwealth environmental water holdings in relation to Victoria; or

(ii) the allocation of water for consumptive purposes;"'

3. Clause 17, after line 3 insert—

'(aa) for paragraph (a) **substitute**—

"(a) a decline in the long-term availability of surface water or groundwater which has a disproportionate effect on—

(i) the environmental water reserve and any Commonwealth environmental water holdings in relation to Victoria; or

(ii) the allocation of water for consumptive purposes; or;"'

4. Clause 17, after line 5 insert—

'(ab) for paragraph (c) **substitute**—

"(c) to restore the balance between—

(i) the environmental water reserve and any Commonwealth water holdings in relation to Victoria; and

(ii) the allocation of water for consumptive purposes; or;"'

**2. ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019***Amendments circulated by Ms Patten*

1. Clause 1, page 2, after line 2 insert—

"(ab) to amend the **Assisted Reproductive Treatment Act 2008** to remove the requirement for a person to obtain a criminal records check before a treatment procedure can be carried out; and"

2. Clause 4, after line 6 insert—

"(2) In section 3 of the Principal Act, the definition of **criminal records check** is **repealed**."

## NEW CLAUSES

3. After clause 4 insert—

**"4A Requirements as to consent**

Section 11(1)(c) of the Principal Act is **repealed**."

4. Before clause 5 insert—

**'5AA Presumption against treatment**

For section 14(1) of the Principal Act **substitute**—

"(1) This section applies if a child protection order check specifies that a child protection order has been made removing a child from the custody or guardianship of the woman or her partner.".'.

5. After clause 5 insert—

**"5A Application of general requirements for treatment to surrogacy arrangement**

Section 42(a) of the Principal Act is **repealed**".

AMENDMENT OF LONG TITLE

6. Long Title, after "from her spouse," insert "to remove the requirement for a person to obtain a criminal records check before a treatment procedure can be carried out and".







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 29, 30 and 31

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#### No. 29 — Tuesday, 27 August 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —  
On 20 August 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —  
*Essential Services Commission Amendment (Governance, Procedural and Administrative Improvements) Act 2019*  
*Public Health and Wellbeing Amendment Act 2019*  
*Water and Catchment Legislation Amendment Act 2019*  
On this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —  
*Assisted Reproductive Treatment Amendment (Consent) Act 2019.*
- 3 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor informing him that she had received a letter from the Governor-General advising of a vacancy in the representation of the State of Victoria in the Senate through the resignation of Senator the Honourable Mitch Fifield.
- 4 **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.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Latrobe Valley Authority overseas travel** — supplementary question asked by Mr O'Donohue — response from Ms Symes due Thursday, 29 August 2019.
  - **Forest sustainability/logging** — supplementary question asked by Dr Ratnam — response from Ms Symes due Wednesday, 28 August 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **PETITIONS** —  
**HEATHMONT EAST PRIMARY SCHOOL UPGRADE** — Mr Atkinson presented a Petition bearing 525 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently fund the upgrade of Heathmont East Primary School to ensure that students, teachers and the broader school community are safe, there is access to free and clean drinking water, and the buildings and grounds are clear of asbestos and termites.

Ordered to lie on the Table.

\* \* \* \* \*

**INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 4,431 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.

\* \* \* \* \*

**WAURN PONDS TRAIN STABLING AND MAINTENANCE YARD** — Mr Grimley presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Transport Infrastructure, the Honourable Jacinta Allan MP, and Rail Projects Victoria to develop the Waurm Ponds Train Stabling and Maintenance Yard on an alternative site to secure a sustainable and strong outcome for all stakeholders.

Ordered to lie on the Table.

\* \* \* \* \*

**POCKET PARK ON TARELLA ROAD, CHELSEA** — Mr Hayes presented a Petition bearing 158 signatures from certain citizens of Victoria requesting that the Legislative Council support the purchase of land at 19 Tarella Road, Chelsea to be used as a pocket park to alleviate the significant shortfall of open space in the Tarella Road planning area.

Ordered to lie on the Table.

\* \* \* \* \*

**SHEPPARTON EDUCATION PLAN** — Ms Lovell presented a Petition bearing 1,157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease and desist the Shepparton Education Plan so that the four public secondary schools proposed for amalgamation remain functioning as single entities.

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.

- 7 PUBLIC ADMINISTRATION AMENDMENT BILL 2019** — Mr O'Donohue introduced *A Bill for an Act to amend the Public Administration Act 2004 to clarify standards that apply to public sector bodies in relation to publication of public sector communications 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.

**8 PAPERS** —

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO A LEGISLATED SPENT CONVICTIONS SCHEME** — Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into a legislated spent convictions scheme (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.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 10 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2018** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the

Annual Review 2018 on Regulations and Legislative Instruments (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.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RECYCLING AND WASTE MANAGEMENT — INTERIM REPORT** — Pursuant to Standing Order 23.29, Mr Melhem presented an Interim Report from the Environment and Planning Committee on the Inquiry into Recycling and Waste Management (including an Appendix).

Ordered to be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 21 July 2019 giving approval to the granting of a lease at Flagstaff Gardens Reserve.

Minister's Order of 21 July 2019 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Minister's Order of 15 August 2019 giving approval to the granting of a lease at Cape Paterson Caravan Park.

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

Melbourne Planning Scheme — Amendments C271 and C355.

Victoria Planning Provisions — Amendment VC159.

Professional Standards Act 2003 — Chartered Accountants Australia and New Zealand Professional Standards Scheme (*Gazette No. S314, 7 August 2019*).

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 69.

Occupational Health and Safety Act 2004 — No. 71.

Subordinate Legislation Act 1994 — No. 70.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 67.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Disability Service Safeguards Act 2018 — Remaining provisions of Part 1, Part 2, Division 3 of Part 16 and Sections 287(1), 291 and 292 — 20 August 2019 (*Gazette No. S324, 20 August 2019*).

**9 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Wednesday, 28 August 2019:

- (1) Order of the Day made this day, second reading of the Public Administration Amendment Bill 2019;
- (2) Order of the Day for the second reading of the Racial and Religious Tolerance Amendment Bill 2019;
- (3) the notice of motion given this day by Mr Meddick in relation to duck shooting;
- (4) Notice of Motion No. 115 standing in the name of Mr Grimley referring a matter to the Legal and Social Issues Committee relating to child sexual offenders;
- (5) the notice of motion given this day by Mr Davis in relation to the Eastern Freeway;
- (6) the notice of motion given this day by Ms Crozier in relation to public health funding;

(7) the notice of motion given this day by Ms Patten, on behalf of the crossbench, in relation to International Overdose Awareness Day; and

(8) the notice of motion given this day by Mr Grimley, on behalf of the crossbench, in relation to organ donation awareness and Jersey Day.

Question — put and agreed to.

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

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 141, be postponed until later this day.

**12 PROFESSIONAL ENGINEERS REGISTRATION 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.

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 Bourman and Mr Gepp*)

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 Grimley and Mr O'Donohue*)

Question agreed to.

Bill read a second time.

Mr Quilty moved, That the Professional Engineers Registration Bill 2019 be referred to the Economy and Infrastructure Committee for inquiry, consideration and report by Tuesday, 26 November 2019.

Question — put.

The Council divided — The President in the Chair.

AYES, 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 Quilty*)

NOES, 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 Barton and Mr Hayes*)

Question negatived.

Bill ordered to be committed to a Committee of the whole later this day.

**13 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

*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.]*

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 Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Dr Kieu and Ms Vaghela)*

NOES, 14

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

*(Tellers: Ms Bath and Ms Lovell)*

Question agreed to.

Bill read a second time.

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

Mr Quilty moved, by leave, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Births, Deaths and Marriages Registration Act 1996* to provide that when a birth certificate is issued, it does not include the sex of a person unless specifically requested.

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

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 26

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

NOES, 14

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

*(Tellers: Mr Grimley and Mrs McArthur)*

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.

**14 PROFESSIONAL ENGINEERS REGISTRATION BILL 2019** — Bill committed to a Committee of the whole.

House in Committee.

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

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

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Bill further considered in Committee of the whole.

Bill reported without amendment, 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; 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 Barton and Ms Taylor)*

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 third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 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 10.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 30 — Wednesday, 28 August 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — OMBUDSMAN FOR RETIREMENT HOUSING** — Mr Ondarchie presented a Petition bearing 62 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish an Ombudsman for retirement housing to ensure that there is a low-cost, timely and binding way to resolve serious retirement housing disputes without the need to go through courts and tribunals.  
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 Report on Managing Registered Sex Offenders, August 2019  
*(Ordered to be published)*.  
Land Acquisition and Compensation Act 1986 — Minister's certificate of 21 August 2019 to not require the service of a notice of intention to acquire land, pursuant to section 7(1)(c) of the Act.  
Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, 1 January 2019 to 30 June 2019.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **PUBLIC ADMINISTRATION AMENDMENT BILL 2019** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

**6 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT 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 Mr Melhem, the debate was adjourned for one week.

**7 DUCK HUNTING SEASON** — Mr Meddick moved, That this House notes that —

- (1) Australia's native waterbirds are at perilously low numbers;
- (2) the current climate emergency is not considered in the environmental assessment of a duck shooting season;
- (3) one million species around the world are facing extinction because of human activity;
- (4) the 2019 duck shooting season opening saw the lowest shooter participation rate on record;
- (5) a majority of Victorians do not support duck shooting;
- (6) the alleged economic benefits from duck shooting have been roundly criticised by numerous independent experts;
- (7) Victoria is home to some of the best wetlands in the world that are perfect for recreational activities such as bird-watching, kayaking, picnicking and hiking;
- (8) legislation omits those without a shooting license to go near the water before a certain time, limiting wetland use for non-shooters;
- (9) nature-based tourism makes a positive contribution to the state's economy and there is appetite for its expansion in regional Victoria;

and calls on the Government to stop the 2020 duck shooting season from going ahead.

Debate ensued.

Ms Stitt moved, That the debate be adjourned until later this day.

Debate ensued.

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 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 Ondarchie and Mr Rich-Phillips)

Question agreed to.

**8 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — CHILD SEX OFFENDERS —**

Mr Grimley moved, That this House —

- (1) notes the —
  - (a) protection of children should be the highest priority for any government;
  - (b) valuable work undertaken by Victoria Police in investigating serious sex offences and apprehending and prosecuting offenders;
  - (c) Government should endeavour to work alongside law enforcement agencies at every opportunity in order to prevent opportunities for sexual offending and ensure community safety;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, into the best means to —
  - (a) store data and information regarding convicted child sex offenders;
  - (b) prevent sexual offences from occurring through improved public awareness;

- (c) investigate the circumstances in which the details of convicted child sex offences can be made public;

and any other matters the Committee determines to be relevant.

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.

An answer to a question on notice was 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:

- **Wombat protection** — substantive question asked by Mr Meddick — response from Mr Jennings due Friday, 30 August 2019.
- **Castlemaine Community Health** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 29 August 2019.
- **North East Link design** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Friday, 30 August 2019.
- **Visit Victoria** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Friday, 30 August 2019.
- **Sex work ministerial advisory committee** — substantive and supplementary questions asked by Mr Quilty — response from Mr Somyurek due Friday, 30 August 2019.
- **Suburban rail loop project** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Thursday, 29 August 2019.
- **Special circumstances court list** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 30 August 2019.

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

**11 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — CHILD SEX OFFENDERS** — Debate continued on the question, That this House —

(1) notes the —

- (a) protection of children should be the highest priority for any government;
- (b) valuable work undertaken by Victoria Police in investigating serious sex offences and apprehending and prosecuting offenders;
- (c) Government should endeavour to work alongside law enforcement agencies at every opportunity in order to prevent opportunities for sexual offending and ensure community safety;

(2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, into the best means to —

- (a) store data and information regarding convicted child sex offenders;
- (b) prevent sexual offences from occurring through improved public awareness;
- (c) investigate the circumstances in which the details of convicted child sex offences can be made public;

and any other matters the Committee determines to be relevant.

Question — put.

The Council divided — The President in the Chair.



## AYES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

*(Tellers: Mr Bourman and Mr Melhem)*

## NOES, 4

Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Tellers: Ms Patten and Dr Ratnam)*

Question agreed to.

- 12 EASTERN FREEWAY HERITAGE LISTING** — Mr Davis moved, That this House notes, but does not support the Government's proposal to heritage list the Eastern Freeway.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Atkinson; Mr Barton; 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; Ms Patten; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Limbrick and Mrs McArthur)*

## NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Stitt and Ms Vaghela)*

Question negatived.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 146, be postponed until later this day.

- 14 DRUG OVERDOSE AWARENESS DAY** — Ms Patten moved, That this House —

- (1) notes that International Overdose Awareness Day is on 31 August and aims to raise awareness of overdose and reduce the stigma of drug related deaths and that —
  - (a) drugs continue to be a major contributor to accidental mortality in Australia;
  - (b) the number of overdose deaths by prescription medication is now larger than all illicit drugs combined;
  - (c) the number of accidental drug related deaths is more than double the number of those killed in car accidents;
  - (d) in 2017, there was a total of 2,162 drug-induced deaths in Australia, a significant increase from the 1,231 deaths in 2002, 15 years prior;
  - (e) of those 2,162 deaths in 2017, 1,612 were unintentional, an increase from 15 years ago with 903 unintentional drug-induced deaths in 2002;
  - (f) stigma can play a major role in these unnecessary deaths;
  - (g) this Awareness Day originated here in Victoria and is recognised in dozens of other countries;
  - (h) harm reduction principles are an important part of preventing overdoses; and
- (2) acknowledges the grief felt by families and friends and commits to use this day to stimulate discussion about overdose prevention.

Debate ensued.

Question — put and agreed to.

**15 ORGAN DONATION — JERSEY DAY** — Mr Grimley moved, That this House recognises that —

- (1) 30 August is Jersey Day, which promotes awareness of the Organ and Tissue Authority and the Donate Life network;
- (2) Australia is a world leader in successful transplants and in 2018, 1,782 lives were saved through transplantation; and
- (3) this public awareness campaign will hopefully encourage Victorians to discuss organ donation with family and close friends.

Debate ensued.

Question — put and agreed to.

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

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

**17 INAUGURAL SPEECH — MR ENVER ERDOGAN** — Pursuant to Standing Order 5.08, Mr Enver Erdogan made his inaugural speech.

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

Debate ensued.

And then the Council, at 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 31 — Thursday, 29 August 2019

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

2 **PETITION — SHUT DOWN AUSSIE FARMS WEBSITE** — Ms Bath presented a Petition bearing 6,559 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke Aussie Farms' status as a charitable organisation, shut down the Aussie Farms website and implement stronger legal protections to appropriately penalise trespassers.

Ordered to lie on the Table.

3 **VICTORIAN PUBLIC HEALTH AND WELLBEING PLAN 2019-2023** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian public health and wellbeing plan 2019-2023.

Question — put and agreed to.

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

4 **PAPERS** —

**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 Office — Report, 2018-19.

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

Bayside Planning Scheme — Amendment C151.

Boroondara Planning Scheme — Amendment C314.

Casey Planning Scheme — Amendment C235.

Greater Dandenong and Kingston Planning Schemes — Amendment GC107.

Greater Geelong Planning Scheme — Amendment C398.

Kingston Planning Scheme — Amendment C149.

Maroondah Planning Scheme — Amendment C132.

Moreland Planning Scheme — Amendment C177.

Port Phillip Planning Scheme — Amendment C170.

Surf Coast Planning Scheme — Amendment C129.

Victoria Planning Provisions — Amendment VC163.  
Whittlesea Planning Scheme — Amendment C232.  
Yarra Ranges Planning Scheme — Amendment C184.

**PRIVILEGES COMMITTEE — PARLIAMENTARY INTEGRITY ADVISER** — Pursuant to Standing Order 23.29, Ms Shing laid on the Table a joint Report of the Assembly and Council Privileges Committees on the appointment of a Parliamentary Integrity Adviser (including Appendices).

Ordered to be published.

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

Question — put and agreed to.

**5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 September 2019.

Question — put and agreed to.

**6 STRATEGIC DIRECTION AND PRIORITIES OF THE PARLIAMENT OF VICTORIA 2019-2022** — Mr Davis moved, by leave, That there be laid before this House a copy of the Strategic Direction and Priorities of the Parliament of Victoria 2019-2022.

Question — put and agreed to.

The document was presented by Mr Davis and ordered to lie on the Table.

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

Question — put and agreed to.

**8 MESSAGE FROM ASSEMBLY — PARLIAMENTARY INTEGRITY ADVISER** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That Mr Ray Purdey be appointed as parliamentary integrity adviser, from 1 September 2019 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix 1 of the Privileges Committees' joint report on the appointment of a Parliamentary Integrity Adviser and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council agrees with the Assembly and resolves, That —

- (1) Mr Ray Purdey be appointed as parliamentary integrity adviser, from 1 September 2019 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix 1 of the Privileges Committees' joint report on the appointment of a Parliamentary Integrity Adviser; and
- (2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**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. 127 to 141, be postponed until later this day.

**11 FLORA AND FAUNA GUARANTEE 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.

Question — put and agreed to.

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

House in Committee.

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

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

\* \* \* \* \*

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

- **Werribee East – land contamination** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Friday, 30 August 2019.
- **Engineers legislation consultation** — substantive question asked by Mr Limbrick — response from Mr Jennings due Monday, 2 September 2019.
- **Murray-Darling Basin Plan** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 2 September 2019.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 14 as follows:

- **Castlemaine Community Health** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Friday, 30 August 2019.

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

**14 FLORA AND FAUNA GUARANTEE AMENDMENT 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.

**15 ENVIRONMENT PROTECTION 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.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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; 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 Meddick and Ms Taylor)

NOES, 3

Mr Bourman; Mr Limbrick; Mr Quilty.

(Tellers: Mr Bourman and Mr Limbrick)

Question agreed to.

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

Dr Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Environment Protection Amendment Act 2018* to insert provisions into the *Environment Protection Act 2017* that prohibit the sale or provision of certain single use items made of plastic or polystyrene.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, 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, 36

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Erdogan and Mr Meddick)

NOES, 3

Mr Bourman; 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 without amendment.

**16 PUBLIC HOLIDAYS AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

An Amendment proposed to be moved in Committee by Ms Patten was circulated.

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

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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 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 CHILDREN LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Children Legislation Amendment (Information Sharing) Act 2018, the Crimes Act 1958, the Evidence Act 2008, the Privacy and Data Protection Act 2014, the Working with Children Act 2005 and the Limitation of Actions Act 1958 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**18 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Uniform Law Application Act 2014 to change the membership of certain inter-jurisdictional administrative bodies, to validate certain actions and decisions and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 19 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Mineral Resources (Sustainable Development) Act 1990, the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 20 RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Renewable Energy (Jobs and Investment) Act 2017 to establish a target of 50% of electricity generated in Victoria to be sourced from renewable energy by 2030 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 21 ADJOURNMENT** — Ms Pulford 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 8.11 p.m., adjourned until Tuesday, 10 September 2019.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 29, 30 and 31

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### **BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019**

*Committed Tuesday, 27 August 2019*

*Amendments circulated: Mr Quilty (see p. 224).*

**Clause 1** — Mr Quilty moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 38** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **PROFESSIONAL ENGINEERS REGISTRATION BILL 2019**

*Committed Tuesday, 27 August 2019*

*Amendments circulated: Mr Limbrick (DL01C and DL02C) (see pp. 224-5).*

**Clauses 1 to 12** — put and agreed to.

**Clause 13** — Mr Limbrick moved Amendment No. 1 (DL02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; 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: Dr Cumming and Mr Quilty)*

NOES, 24

Mr Barton; Mr Bourman; 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 Terpstra)*

Question negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 79** — put and agreed to.

**Clause 80** — Mr Limbrick moved Amendment No. 1 (DL01C).

Question — That clause 80 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; 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: Mr Gepp and Dr Kieu)*

NOES, 17

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; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Limbrick and Mr Quilty)*

Question agreed to.

**Clause 81** — Mr Limbrick moved Amendment No. 2 (DL01C).

Question — That clause 81 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; 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: Mr Meddick and Dr Ratnam)*

NOES, 17

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; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Dr Cumming and Mr Hayes)*

Question agreed to.

**Clauses 82 to 138** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019**

*Committed Thursday, 29 August 2019*

*Amendments circulated: Dr Ratnam (see pp. 225-7).*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Dr Ratnam moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

*(Tellers: Dr Cumming and Mr Meddick)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Patten; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

*(Tellers: Mr Elasmarr and Dr Kieu)*

Question negated.

Dr Ratnam moved Amendment Nos. 4 and 5 — put and negated.

Clause 6 — put and agreed to.

**Clauses 7 to 14** — put and agreed to.

**Clause 15** — Dr Ratnam moved Amendment No. 6.

Question — That the amendment be agreed to — put.



The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.  
(*Tellers: Mr Hayes and Dr Ratnam*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Patten; 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: Mr Erdogan and Ms Stitt*)

Question negated.

Dr Ratnam moved Amendment Nos. 7 to 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.  
(*Tellers: Mr Barton and Mr Meddick*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Patten; 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: Mr Bourman and Mr Melhem*)

Question negated.

Dr Ratnam moved Amendment Nos. 10 to 12 — put and negated.

Clause 15 — put and agreed to.

**Clause 16** — Dr Ratnam moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.  
(*Tellers: Dr Cumming and Mr Meddick*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; 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 Patten; 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 Patten and Ms Pulford*)

Question negated.

Clause 16 — put and agreed to.

**Clauses 17 to 19** — put and agreed to.

**Clause 20** — Dr Ratnam moved Amendment Nos. 15 to 17 — put and negated.

Clause 20 — put and agreed to.

**Clauses 21 to 56** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**ENVIRONMENT PROTECTION AMENDMENT BILL 2019**

*Committed Thursday, 29 August 2019*

*Amendments circulated: Dr Ratnam (see pp. 227-8).*

**Clause 1** — Dr Ratnam moved, in an amended form, Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

*(Tellers: Dr Cumming and Mr Meddick)*

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; 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 Patten; 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: Mr Bourman and Mr Quilty)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 48** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**PUBLIC HOLIDAYS AMENDMENT BILL 2019**

*Committed Thursday, 29 August 2019*

*Amendments circulated: Mr Bourman (see pp. 228-9) and Ms Patten (see p. 229).*

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

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Patten moved Amendment No. 1 — put and negatived.

Clause 3 — put and agreed to.

**New Clauses** — Mr Bourman 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, 5

Mr Barton; Mr Bourman; Mr Limbrick; Ms Patten; Mr Quilty.

*(Tellers: Mr Bourman and Ms Patten)*

NOES, 34

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; 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 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 Maxwell)*

Question negatived.

**Clause 4** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019**Amendments circulated by Mr Quilty

1. Clause 1, page 2, after line 32 insert—
  - "(ix) to provide that when a birth certificate is issued, it does not include the sex of a person unless specifically requested; and".
2. Clause 9, page 13, line 16, after "must" insert "not".
3. Clause 9, page 13, line 18, after "altered" insert "unless the applicant has specifically requested that the sex should be shown on the certificate".

**NEW CLAUSES**

4. After clause 6, insert the following new clause—

**'6A How to have the birth of a child registered**

At the end of section 14 of the Principal Act **insert—**

"(2) Unless the person registering a child's birth has specifically requested that the certificate of birth registration issued as a result of the registration should include the sex of the child to whom the certificate relates, the Registrar must not issue a certificate which includes that information.".

5. After clause 17, insert the following new clauses—

**'17A Search of Register**

After section 45(4) of the Principal Act **insert—**

"(5) If the application for a search relates to a birth registration and the applicant applies for the issue of a certificate of birth registration under section 46, the certificate of birth registration to be issued by the Registrar must not include the sex of the person to whom the certificate relates unless the applicant specifically requests that it be included on the certificate.".

**17B Issue of certificate**

After section 46(2) of the Principal Act **insert—**

"(3) If the application relates to a birth registration and the applicant has not specifically requested that the certificate of birth registration include the sex of the person to whom the certificate relates, the Registrar must not issue a certificate which includes that information.".

**2. PROFESSIONAL ENGINEERS REGISTRATION BILL 2019**Amendments circulated by Mr Limbrick (DL01C)

1. Clause 80, omit this clause.
2. Clause 81, omit this clause.

Amendment circulated by Mr Limbrick (DL02C)

Clause 13, lines 29 to 35, page 11, lines 1 to 4, omit all words and expressions on these lines and insert—

- "(a) whether the person, within the preceding 10 years, has been convicted or found guilty of an offence under any law of the Commonwealth, or another State or a Territory, regulating the provision of professional engineering services;"

**3. FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019**Amendments circulated by Dr Ratnam

1. Clause 6, page 12, line 2, omit "**proper consideration of objectives**" and insert "**effect to objectives and principles**".
2. Clause 6, page 12, lines 7 and 8, omit "proper consideration to the objectives" and insert "effect to the objectives and principles".
3. Clause 6, page 12, line 14, omit "proper consideration" and insert "effect".
4. Clause 6, page 12, line 18, omit "determinations; and" and insert "determinations."
5. Clause 6, page 12, line 19, omit all words and expressions on this line and insert—
 

"(3A) A public authority, in performing a function under this Act or any other Act, must not contravene a management plan."
6. Clause 15, page 36, after line 27 insert—
 

"(4) Despite anything else in this section, the Secretary must make a critical habitat determination in respect of an area if—

  - (a) the area includes a listed taxon or community of flora or fauna that is critically endangered; or
  - (b) the area includes a listed taxon or community that is endemic to Victoria; or
  - (c) the area includes a listed taxon or community that is the subject of a specific conservation program, the cessation of which would result in the taxon or community becoming vulnerable, endangered or critically endangered within 5 years.

(5) A critical habitat determination must be made under subsection (4) within 12 months of the taxon or community of flora or fauna being specified in the Threatened List."
7. Clause 15, page 36, line 28, after "**Committee**" insert "**and the public**".
8. Clause 15, page 36, line 29, after "Committee" insert "or any person".
9. Clause 15, page 37, line 4, after "Committee" insert "or person".
10. Clause 15, page 37, line 8, after "Internet" insert "within 12 months of a recommendation".
11. Clause 15, page 39, line 33, omit "habitat." and insert "habitat, including—".
12. Clause 15, page 39, after line 33 insert—
 

"(a) measures that would reasonably be expected to protect a taxon or community, halt its decline and enhance recovery; and

(b) measures that mitigate or halt threatening processes."
13. Clause 16, after line 19 insert—

"(3A) The Secretary, within 12 months of a taxon or community of flora or fauna or potentially threatening process being specified in the Threatened List or the Processes List, must make a management plan in respect of the listed taxon, community or process if—

- (a) the taxon or community is endangered or critically endangered; or
- (b) the threats to the taxon or community include activities, works or operations undertaken by or on behalf of a public authority; or
- (c) the taxon or community is endemic to Victoria; or
- (d) in the opinion of the Secretary based on advice received from the Committee—

(i) the taxon is ecologically significant; or

(ii) the process is significant.

(3B) The Secretary must consult with the Committee in preparing a management plan.

(3C) The Secretary must publish on the Internet any advice received from the Committee in preparing a management plan."

14. Clause 17, after line 27 insert—

"(1A) A management plan must provide for the following—

- (a) measures to maintain and protect specified levels of sufficient habitat for the taxon or community of flora or fauna;
- (b) measures that are reasonably expected to protect, halt the decline and promote the recovery of the taxon or community of flora or fauna;
- (c) measures that mitigate or halt the potentially threatening process;
- (d) if a critical habitat determination has been made in relation to a taxon or community—any specified activities, works or operations that could adversely affect or otherwise threaten the taxon or community;
- (e) if a critical habitat determination has not been made in relation to a taxon or community—actions to be undertaken to consider whether a critical habitat determination should be made in relation to the taxon or community, including measures to protect critical habitat upon a determination."

15. Clause 20, line 25, omit "made." and insert "made; or".

16. Clause 20, after line 25 insert—

"(c) any other habitat in an area of Victoria."

17. Clause 20, page 44, after line 19 insert—

"(5) Despite anything else in this Division, the Minister must make a habitat conservation order in respect of an area if—

- (a) a critical habitat determination or management plan has been made in respect of the area but the conservation status of a taxon or community of flora or fauna in the area has not improved within three years of the making of the determination or plan; or
- (b) the area is subject to a critical habitat determination but the Secretary has not entered into a critical habitat agreement within 18 months of the making of the determination; or
- (c) the area is subject to a critical habitat determination and a catastrophic event has had or will have a significant impact on a critically endangered taxon or community of flora or fauna in the area.

(6) A habitat conservation order must be made under subsection (5)(c) within 3 months of the Minister becoming aware of the catastrophic event.

(7) The Minister must consult with the Committee in preparing a habitat conservation order.

(8) If the Minister considers whether to make a habitat conservation order under this Division but does not make an order, the Minister must publish on the Internet the

reasons for not making an order, including the scientific reasons why an order was not made."

#### 4. ENVIRONMENT PROTECTION AMENDMENT BILL 2019

##### Amendments circulated by Dr Ratnam

1. Clause 1, page 2, after line 5 insert—

"(c) to amend the **Environment Protection Amendment Act 2018** to insert provisions into the **Environment Protection Act 2017** that prohibit the sale or provision of certain single use items made of plastic or polystyrene; and"

2. Clause 1, page 2, line 6, omit "(c)" and insert "(d)".

##### NEW CLAUSES

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

##### **"18A Simplified outline—Chapter 6**

In section 7 of the Principal Act, after proposed section 110(3) of the **Environment Protection Act 2017** insert—

"(3A) Part 6.3A provides for offences relating to the supply and sale of certain single use items made of plastic or polystyrene and the provision of false or misleading information relating to certain single use plastic items."."

4. Insert the following New Clause to follow clause 20—

##### **"20A New Part 6.3A inserted**

In section 7 of the Principal Act, after proposed Part 6.3 of the **Environment Protection Act 2017** insert—

##### **"Part 6.3A—Single use items**

##### **132A Definitions**

In this Part—

***banned single use item*** means—

- (a) an item, other than an exempt single use item, that comprises, either wholly or partly, plastic (whether or not that plastic is biodegradable, degradable or compostable) and is intended for disposal after a single use;
- (b) a food or beverage container, other than an exempt single use item, that comprises, either wholly or partly, polystyrene and is intended for disposal after a single use; or
- (c) a prescribed banned single use plastic item;

***exempt single use item*** means—

- (a) an item that is supplied and used for medical or health-related purposes; or
- (b) an item that is supplied and used for policing or security purposes; or
- (c) a prescribed exempt single use item;

***item*** means—

- (a) a drinking straw; or
- (b) cutlery; or
- (c) a plate, bowl or cup; or
- (d) a food or beverage container; or

- (e) the lid of a disposable coffee cup; or
- (f) a cotton bud; or
- (g) a beverage stirrer; or
- (h) a balloon stick.

**132B Retailer must not provide banned single use items**

A retailer must not sell or provide a banned single use item to a person in the course of conducting a retail business.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

**132C Provision of false or misleading information relating to banned single use items**

A retailer or wholesaler or a manufacturer of items must not, whether by act or omission, provide to any other person information that the retailer, wholesaler or manufacturer knows, or should reasonably know, is false or misleading about—

- (a) the composition of a banned single use item; or
- (b) whether or not an item is a banned single use item; or
- (c) whether or not an item is an exempt single use item.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units."

**5. PUBLIC HOLIDAYS AMENDMENT BILL 2019**

Amendments circulated by Mr Bourman

NEW CLAUSES

Insert the following New Clauses to follow clause 3—

**'3A Substituted public holidays**

In section 8(1) of the **Public Holidays Act 1993**, for "section 8A" substitute "sections 8A and 8B".

**3B New section 8B inserted**

After section 8A of the **Public Holidays Act 1993** insert—

**"8B Council may request substitute holiday for the Friday before the Australian Football League Grand Final**

- (1) A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—
  - (a) that the day appointed under section 6 being the Friday before the Australian Football League Grand Final is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
  - (b) that another day or 2 half-days (one half-day of which may be the Friday before the Australian Football League Grand Final) be appointed as a public holiday or 2 public half-holidays in that year.
- (2) A request under subsection (1) must—
  - (a) be made at least 90 days before the Friday before the Australian Football League Grand Final to which the request relates; and
  - (b) specify the day or 2 half-days of the substituted public holiday; and
  - (c) specify the reasons for making the request.



- (3) In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.
- (4) A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.".'.

*Amendment circulated by Ms Patten*

Clause 3, page 2, line 3, omit "Friday before" and insert "Monday after".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 32, 33 and 34

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#### No. 32 — Tuesday, 10 September 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE MAXWELL JOHN MCDONALD** — The President advised the House of the death, on 28 August 2019, of Mr Maxwell John McDonald, Member of the Legislative Assembly for the Electoral District of Evelyn from 1982 to 1985 and Whittlesea from 1985 to 1992.  
Members stood in their places as a mark of respect to the memory of the late Mr McDonald.
- 3 **ASSENT TO ACTS** — The President read Messages from the —  
Administrator of Victoria, as the Governor's deputy, informing the Council that she had, on 3 September 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Births, Deaths and Marriages Registration Amendment Act 2019*  
*Professional Engineers Registration Act 2019*  
Governor informing the Council that she had, this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Environment Protection Amendment Act 2019*  
*Flora and Fauna Guarantee Amendment Act 2019*  
*Public Holidays Amendment Act 2019.*
- 4 **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.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Royal Children's Hospital platypus ward shifts** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 11 September 2019.
  - **East Gippsland fire season preparation** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Thursday, 12 September 2019.
  - **Primary Care Partnership funding** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 11 September 2019.
  - **Parnate drug availability** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Mikakos due Thursday, 12 September 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **JOINT SITTING — SENATE VACANCY** — The President read a Message from the Assembly informing the Council that they had agreed to meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant

by the resignation of Senator the Honourable Mitch Fifield, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 11 September 2019 at 6.15 pm, and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That —

- (1) this House meets with the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mitch Fifield and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 11 September 2019 at 6.15 p.m.;
- (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 11 September 2019 the Order of Business will be —
  - Messages
  - Formal Business
  - Members' Statements (up to 15 Members)
  - General Business
  - At **12 noon** Questions
  - Answers to Questions on Notice
  - General Business (continues)
  - At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
  - At **5.45 p.m.** Adjournment (up to 20 Members); and
- (3) a Message be sent to the Assembly informing them accordingly.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

## 7 PETITIONS —

**FUND A CONTAINER DEPOSIT SCHEME** — Mr Hayes presented a Petition bearing 370 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier and the Minister for Energy, Environment and Climate Change to fund initiatives, like a container deposit scheme, throughout metropolitan and regional Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**DUPLICATE TRAIN TRACKS BETWEEN GOWRIE AND UPFIELD** — Ms Patten presented a Petition bearing 763 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Public Transport to urgently duplicate the single train track between Gowrie and Upfield to allow the Upfield railway line to run more frequent services, reduce the number of late running services, and prevent trains from being terminated at Coburg station when services are unexpectedly delayed.

Ordered to lie on the Table.

\* \* \* \* \*

**DUPLICATE TRAIN TRACKS BETWEEN GOWRIE AND UPFIELD** — Ms Patten presented a Petition bearing 3,129 signatures from certain citizens of Victoria requesting that the Legislative Council bring to the attention of the Government and the Minister for Public Transport that there is an urgent need to duplicate the Gowrie to Upfield section of the Upfield line in order to allow more frequent services to operate and ensure that trains are not terminated at Coburg Station when services are unexpectedly delayed, services can quickly return to schedule when delays occur and the number of late running services is minimised.

Ordered to lie on the Table.

- 8 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019** — Ms Patten introduced *A Bill for an Act to amend the Road Safety Act 1986 to provide that prescription medicinal cannabis that does not impair driving is to be treated in the same manner as other prescription drugs and for other purposes.*

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

- 9 CRIMES AMENDMENT (TRESPASS) BILL 2019** — Mr Bourman introduced *A Bill for an Act to amend the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966*

*to create offences relating to trespass on land with intent to undertake activities that interfere with activities involving animals, and for other purposes.*

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

## 10 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 11 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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## **OMBUDSMAN — OPCAT IN VICTORIA: A THEMATIC INSPECTION OF PRACTICES RELATED TO SOLITARY CONFINEMENT OF CHILDREN AND YOUNG PEOPLE** —

Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report titled OPCAT in Victoria: A thematic inspection of practices related to solitary confinement of children and young people, September 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:

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-sixth Amending Deed, pursuant to section 15B(5) of the Act.

Melbourne City Link Thirty-eighth Amending Deed, pursuant to section 15(2) of the Act.

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

Banyule Planning Scheme — Amendment C114.

Boroondara Planning Scheme — Amendment C266.

Cardinia Planning Scheme — Amendment C242.

Glenelg Planning Scheme — Amendment C95.

Greater Dandenong Planning Scheme — Amendment C218.

Greater Geelong Planning Scheme — Amendment C389.

Hume and Kingston Planning Schemes — GC137.

Knox Planning Scheme — Amendment C173.

Mitchell Planning Scheme — Amendment C128.

Whittlesea Planning Scheme — Amendment C237.

Yarra Ranges Planning Scheme — Amendment C166.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 75.

Parliamentary Salaries, Allowances and Superannuation Act 1968 — No. 74.

Residential Tenancies Act 1997 — No. 72.

Supreme Court Act 1986 — No. 73.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 70 and 73 to 75.

## 11 BUSINESS OF THE COUNCIL — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 11 September 2019 —

- (1) Order of the Day No. 3, second reading of the Wildlife Amendment (Protection of Birds) Bill 2019;
- (2) Order of the Day made this day, second reading of the Crimes Amendment (Trespass) Bill 2019;
- (3) Order of the Day No. 1, resumption of debate on the second reading of the Racial and Religious Tolerance Amendment Bill 2019;
- (4) the notice of motion given this day by Mr Quilty in relation to the Murray-Darling Basin Plan;
- (5) Order of the Day No. 2, resumption of debate on the second reading of the Public Administration Amendment Bill 2019;

- (6) Notice of Motion No. 147 standing in the name of Dr Ratnam in relation to the Western Highway Duplication Project;
- (7) Notice of Motion No. 114 standing in the name of Mr Barton in relation to proposed amendments to the Standing Orders;
- (8) the notice of motion given this day by Ms Patten referring matters relating to petitions to the Procedure Committee; and
- (9) the notice of motion given this day by Ms Lovell in relation to the Shepparton Education Plan.

Question — put and agreed to.

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

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 141, be postponed until later this day.

**14 CHILDREN 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.

**15 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) 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, 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.

**16 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 6.16 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 33 — Wednesday, 11 September 2019

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

**2 PETITION — SUPPORT DUCK HUNTING** — Mr Bourman presented a Petition bearing 6,796 signatures from certain citizens of Victoria requesting that the Legislative Council support the continuation of the highly regulated and historical way of life that is duck hunting and oppose the Animal Justice Party's Wildlife Amendment (Protection of Birds) Bill 2019.

Ordered to lie on the Table.

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

**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 Report on Enrolment Processes at Technical and Further Education Institutes, September 2019 (*Ordered to be published*).

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations, pursuant to section 464Z of the Act.

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

Casey Planning Scheme — Amendment C192.

Golden Plains Planning Scheme — Amendment C80.

Mitchell Planning Schemes — Amendments C143 and C147.

Yarriambiack Planning Scheme — Amendment C22.

Prevention of Family Violence Act 2018 — Respect Victoria (Family Violence Prevention Agency) Report, 2018-19.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 69.

Surveyor-General — Report on the administration of the Survey Co-ordination Act 1958, 2018-19.

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

**5 WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019** — Mr Meddick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

**6 CRIMES AMENDMENT (TRESPASS) BILL 2019** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

**7 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

**8 MURRAY-DARLING BASIN PLAN** — Mr Quilty moved, That this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan.

*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.

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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:

- **Boroondara Planning Scheme heritage assessment** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 13 September 2019.
- **Wodonga V/Line services** — supplementary question asked by Mr Barton — response from Ms Pulford due Friday, 13 September 2019.

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

**11 MURRAY-DARLING BASIN PLAN** — Debate continued on the question —

That this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan.

Ms Lovell moved, as amendments, That —

1. In line 1, **omit** the words “withdraw from” and **insert** in their place “redraft”.
2. After paragraph (2), **insert** the following:  
“(3) 450GL of up water cannot be delivered without doing irreparable social and economic damage to Victorian communities or without flooding private property;”.

Debate ensued.

Question — That the amendments moved by Ms Lovell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

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

*(Tellers: Mr O’Donohue and Mr Rich-Phillips)*

NOES, 23

Mr Barton; 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 Patten and Ms Stitt)*

Question negatived.

Question — That this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Tellers: Mr Bourman and Mr Limbrick)*

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; 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.

*(Tellers: Mr Hayes and Dr Ratnam)*

Question negatived.

**12 PUBLIC ADMINISTRATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.



## AYES, 19

Mr Atkinson; Mr Barton; 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; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.  
(Tellers: Mr Finn and Mr Ondarchie)

## NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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 Erdogan and Ms Vaghela)

Question negatived.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 147, 114 and 162, be postponed until later this day.

**14 SHEPPARTON EDUCATION PLAN** — Ms Lovell moved, That this House expresses concern at the Andrews Labor Government's proposal to close all four public secondary schools in Greater Shepparton and create a large single campus secondary college in their place, and calls on the Government to —

- (1) immediately pause the Shepparton Education Plan;
- (2) halt the transition phase; and
- (3) conduct genuine consultation with the Greater Shepparton community regarding the future provision of secondary education in Greater Shepparton.

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

**15 WESTERN HIGHWAY DUPLICATION PROJECT** — Dr Ratnam moved, That this House —

- (1) acknowledges the cultural and spiritual significance for the Djab Wurrung people of the trees and landscapes proposed for destruction by the Western Highway Duplication Project;
- (2) notes the trees and landscapes are part of an ancient songline from the Dreamtime, that some of the trees are hundreds of years old and have seen generations of Djab Wurrung people born;
- (3) commends the Djab Wurrung people for their ongoing resistance to the proposed destruction of their cultural heritage;
- (4) calls on the Government to —
  - (a) rescind the eviction notice for the Djab Wurrung Heritage Protection Embassy and ensure the police do not attempt to move Djab Wurrung people from their land;
  - (b) enter into a dialogue with the Djab Wurrung people about protecting their spiritual lands; and
  - (c) go back to the drawing board in regard to this Project and any proposed routes.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council on 10 September 2019 —*

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

**17 ADJOURNMENT** — Ms Mikakos 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 6.16 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 34 — Thursday, 12 September 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **JOINT SITTING — SENATE VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 11 September 2019 to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mitch Fifield and that the Honourable Sarah Henderson was chosen to hold the vacant place in the Senate.
- 3 **PETITION — PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 1,369 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.

- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Freedom of Information Act 1982 — Professional Standards issued by the Victorian Information Commissioner, pursuant to section 6V(3) of the Act.
  - Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of the Freedom of Information Professional Standards 2019 under the Freedom of Information Act 1982, dated 28 August 2019.
  - Surveillance Devices Act 1999 — Report, 2018-19 pursuant to section 30L by the Department of Environment, Land, Water and Planning.

- 5 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 15 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 **2019-20 BUDGET — TRANSPORT INFRASTRUCTURE ACHIEVEMENTS** — Ms Stitt moved, That this House notes the Andrews Government's achievements in the 2019-20 Budget, including —

- (1) undertaking the suburban transport blitz, to reshape our suburbs and make it easier for people to get around;
- (2) committing \$15.8 billion to fully fund and make the North East Link a reality, creating more than 10,000 jobs and taking thousands of trucks off local roads;
- (3) supporting major upgrades to the Hurstbridge, Cranbourne and Sunbury lines to run more trains more often;
- (4) investing in vital infrastructure such as the Suburban Rail Loop and Melbourne Airport Rail; and
- (5) the removal of another 25 of our most dangerous and congested level crossings.

Debate ensued.

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

*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.

**PRIMARY CARE PARTNERSHIPS FUNDING** — Ms Mikakos having given answers to a question without notice and supplementary question relating to Primary Care Partnerships Funding —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

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:

- **Northern Hospital financial assistance** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 13 September 2019.
- **Electronic monitoring** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Monday, 16 September 2019.
- **Primary Care Partnerships Funding** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 13 September 2019.

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

**11 OWNER DRIVERS AND FORESTRY CONTRACTORS 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, 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 LEGAL PROFESSION UNIFORM LAW APPLICATION 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, 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.

**13 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.33 p.m., adjourned until Tuesday, 15 October 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 32, 33 and 34

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### **CHILDREN LEGISLATION AMENDMENT BILL 2019**

*Committed Tuesday, 10 September 2019*

**Clauses 1 to 35** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 35, 36 and 37

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#### No. 35 — Tuesday, 15 October 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 17 September 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Children Legislation Amendment Act 2019*

*Legal Profession Uniform Law Application Amendment Act 2019*

*Mineral Resources (Sustainable Development) Amendment Act 2019*

*Owner Drivers and Forestry Contractors 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:

- **Commercial passenger vehicle public register** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 17 October 2019.
- **Citylink tolls** — substantive and supplementary questions asked by Mr Finn — response from Ms Pulford due Wednesday, 16 October 2019 and Thursday, 17 October 2019 respectively.
- **Victorian energy supply reliability** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Thursday, 17 October 2019.
- **Mental health in Western Region** — substantive and supplementary questions asked by Dr Cumming — response from Ms Mikakos due Thursday, 17 October 2019.

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

- 5 **DANGEROUS GOODS AMENDMENT (PENALTY REFORM) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Dangerous Goods Act 1985 to increase the penalties of various offences in that Act so that the penalties better reflect the serious nature of those offences and to create a new offence for reckless conduct in respect of dangerous goods that endangers persons and for other purposes.*

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos 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.

- 6 RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES DELIVERY AND RELATED REFORMS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Rail Safety National Law Application Act 2013, the Transport (Safety Schemes Compliance and Enforcement) Act 2014, the Transport Integration Act 2010 and the Transport (Compliance and Miscellaneous) Act 1983, to repeal the Rail Safety (Local Operations) Act 2006 and to make consequential amendments to other Acts and for other purposes.*

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned until the next day of meeting.

- 7 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Catchment and Land Protection Act 1994, the Dairy Act 2000, the Drugs, Poisons and Controlled Substances Act 1981, the Fisheries Act 1995, the Game Management Authority Act 2014, the Livestock Disease Control Act 1994, the Meat Industry Act 1993, the Melbourne Market Authority Act 1977, the Plant Biosecurity Act 2010, the Veterinary Practice Act 1997, the Wildlife Act 1975, and to make miscellaneous and consequential amendments to the Confiscation Act 1997, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Environment Protection Act 1970, the Firearms Act 1996, the Land Act 1958 and to repeal the Livestock Disease Control Amendment Act 2007, the Broiler Chicken Industry Act 1978 and the Broiler Chicken Industry (Amendment) Act 1991 and for other purposes.*

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the debate was adjourned until the next day of meeting.

- 8 MARINE AND FISHERIES LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fisheries Act 1995, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Marine Safety Act 2010 and the Transport (Safety Schemes Compliance and Enforcement) Act 2014 and for other purposes.*

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Rich-Phillips, by leave, the debate was adjourned until later this day.

- 9 HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988, the Mental Health Act 2014 and the Tobacco Act 1987, to repeal the Access to*



*Medicinal Cannabis Act 2016, to consequentially amend other Acts as a result of that repeal and for other purposes.*

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

Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Rich-Phillips (for Ms Crozier), the debate was adjourned until the next day of meeting.

## 10 PETITIONS —

**PAINTBALL GAMES FACILITY, GEORGES CREEK** — Mr Bourman presented a Petition bearing 455 signatures from certain citizens of Victoria requesting that the Legislative Council call on Towong Shire Council to reconsider the recent paintball games facility at Georges Creek application and work together to allow the applicants to provide a venue that is beneficial to the wider community.

Ordered to lie on the Table.

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**COMMUNITY BANKS** — Mr Davis presented a Petition bearing eight signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its decision to centralise all State Government deposits to the Sydney-based Westpac Banking Corporation and instead support community banks.

Ordered to lie on the Table.

\* \* \* \* \*

**SHEPPARTON EDUCATION PLAN** — Ms Lovell presented a Petition bearing 176 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease and desist the Shepparton Education Plan so that the four public secondary schools proposed for amalgamation remain functioning as single entities.

Ordered to lie on the Table.

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**PROTECT OLD-GROWTH FORESTS** — Dr Ratnam presented a Petition bearing 228 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to protect old-growth forests from logging and complete the transition of the logging industry into plantations, non-timber sources of fibre and sustainable jobs.

Ordered to lie on the Table.

## 11 PAPERS —

**GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS REPORT, 2017-18** —

Ms Mikakos moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Report, 2017-18, October 2019.

Question — put and agreed to.

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

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

Ordered to be published.

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**ADVANCING THE VICTORIAN TREATY PROCESS ANNUAL REPORT AND PLAN, 2018-19** — Pursuant to section 44(2)(c) of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, the Clerk laid on the Table a copy of the Advancing the Victorian Treaty Process Annual Report and Plan, 2018-19.

**IBAC COMMISSIONER — SPECIAL REPORT ON CORRUPTION RISKS ASSOCIATED WITH PROCUREMENT IN LOCAL GOVERNMENT: OPERATIONS DORSET, ROYSTON AND OTHERS** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the IBAC Commissioner's Special Report on corruption risks associated with procurement in local government: Operations Dorset, Royston and others, September 2019.

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**OMBUDSMAN — REPORT ON REVISITING COUNCILS AND COMPLAINTS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Revisiting councils and complaints, October 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:

Crown Land (Reserves) Act 1978 —

Minister's Order of 2 September 2019 giving approval to the granting of a lease at Gillott Reserve.

Minister's Orders of 4 September 2019 giving approval to the granting of leases at Sandringham Beach Park Reserve.

Minister's Order of 25 August 2019 giving approval to the granting of a lease at Tasma Terrace Reserve.

Order of 20 September 2019 giving approval to the granting of a lease at Albert Park Reserve.

Duties Act 2000 — Treasurer's Reports of —

Exemptions and refunds arising out of corporate consolidations for 2018-19, under section 250DD(5) of the Act.

Exemptions and refunds arising out of corporate reconstructions for 2018-19, under section 250B(4) of the Act.

Foreign Purchaser Additional Duty Exemptions for 1 January 2019 to 30 June 2019, under section 3E(3) of the Act.

Financial Management Act 1994 — Financial Report for the State of Victoria, 2018-19 (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).

Gambling Regulation Act 2003 — Amendment to the Wagering and Betting Licence issued to Tabcorp Wagering (Vic) Pty Ltd on 19 December 2011, under section 4.3A.23(3) of the Act.

Land Tax Act 2005 — Treasurer's Report of land tax absentee owner surcharge exemptions for 2018-19, under sections 3B and 3BA of the Act.

Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 12 September 2019 (*Ordered to be published*).

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

Alpine Resorts Planning Scheme — Amendment C27.

Banyule Planning Scheme — Amendment C115.

Bass Coast Planning Scheme — Amendment GC149.

Bayside Planning Scheme — Amendment C152.

Boroondara Planning Scheme — Amendment C274 (Part 2).

Brimbank Planning Scheme — Amendment C202.

Cardinia Planning Scheme — Amendments C205 and C237.

East Gippsland Planning Scheme — Amendment C153.

Frankston Planning Scheme — Amendment C124.

Glenelg Planning Scheme — Amendment C90.

Greater Dandenong Planning Scheme — Amendments C202 and C205.

Greater Geelong Planning Scheme — Amendments C359 (Part 2), C376 (Part 2) and C392.

Greater Shepparton Planning Scheme — Amendments C118 and C214.

Hobsons Bay Planning Scheme — Amendment C116 (Part 2).

- Hume Planning Scheme — Amendment C225.  
 Knox Planning Scheme — Amendment C182.  
 Macedon Ranges Planning Scheme — Amendment C118.  
 Manningham Planning Scheme — Amendments C109 (Part 1) and C117.  
 Maribyrnong Planning Scheme — Amendments C124 and C145.  
 Melbourne Planning Scheme — Amendments C359 and C360.  
 Moonee Valley Planning Scheme — Amendment C208.  
 Mornington Peninsula Planning Scheme — Amendments C226 and C254.  
 Stonnington Planning Scheme — Amendments C276 and C298.  
 Victoria Planning Provisions — Amendments VC161 and VC164.  
 Warrnambool Planning Scheme — Amendment C201.  
 Wellington Planning Scheme — Amendments C107 and C108.  
 Whittlesea Planning Scheme — Amendment C209.
- Statutory Rules under the following Acts of Parliament —
- Assisted Reproductive Treatment Act 2008 — No. 86.  
 Births, Deaths and Marriages Registration Act 1996 — Nos. 77 and 78.  
 Child Wellbeing and Safety Act 2005 — No. 85.  
 Coroners Act 2008 — No. 76.  
 Gene Technology Act 2001 — No. 91.  
 Magistrates' Court Act 1989 — Nos. 81, 82, 87 and 95.  
 Metropolitan Fire Brigades Act 1958 — No. 92.  
 Parliamentary Salaries, Allowances and Superannuation Act 1968 — Nos. 84 and 94.  
 Relationships Act 2008 — No. 79.  
 Road Safety Act 1986 — Nos. 88 and 93.  
 Sheriff Act 2009 — No. 80.  
 Subordinate Legislation Act 1994 — No. 89.  
 Supreme Court Act 1986 — No. 90.  
 Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 83.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 71, 72, 76 to 86, 88 to 90 and 94.  
 Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 —
- Determination No. 1/2019 setting the value of salaries and allowances for Members of Parliament (Victoria), 17 September 2019, under section 26 of the Act.  
 Guidelines No. 1/2019 for or with respect to the use of work-related parliamentary allowances and the Electorate Office and Communications Budget, 17 September 2019, under section 36 of the Act.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Emergency Management Legislation Amendment Act 2018 — Part 2 — 25 September 2019 (*Gazette No. S358, 10 September 2019*).  
 Justice Legislation Amendment (Police and Other Matters) Act 2019 — Remaining Provisions of Part 6 — 1 October 2019 (*Gazette No. S386, 24 September 2019*).

\* \* \* \* \*

A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act:

- Water and Catchment Legislation Amendment Act 2019 — Whole Act (except Sections 5(2), 5(8), 83, 86, 89 and 96) — 9 October 2019 (*Gazette No. S409, 8 October 2019*).

- 12 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — The Clerk laid on the Table 12 documents and a letter from the Attorney-General, dated 11 October 2019, in response to the Resolution of the Council of 1 May 2019 relating to GJK Facility Services, noting that in the time available the Government has not been able to fully assess all the documents falling within the scope of the order.

**13 BUSINESS OF THE COUNCIL** — Mr Grimley moved, by leave, That precedence be given to the following General Business on Wednesday, 16 October 2019 —

- (1) Order of the Day No. 5, second reading of the Environment Protection Amendment (Refund on Bottles and Cans) Bill 2019;
- (2) Order of the Day No. 4, second reading of the Road Safety Amendment (Medicinal Cannabis) Bill 2019;
- (3) the notice of motion given this day by Ms Crozier relating to health funding;
- (4) Order of the Day No. 17, resumption of debate on the motion in relation to the Shepparton Education Plan;
- (5) Order of the Day No. 2, resumption of debate on the second reading of the Crimes Amendment (Trespass) Bill 2019;
- (6) the notice of motion given this day by Ms Maxwell in relation to mandatory sentencing for assaults on emergency service workers;
- (7) the notice of motion given this day by Ms Maxwell in relation to the Murray Basin Rail Project;
- (8) the notice of motion given this day by Mr Bourman, on behalf of the crossbench, in relation to Pregnancy and Infant Loss Remembrance Day; and
- (9) the notice of motion given this day by Ms Maxwell, on behalf of the crossbench, in relation to International Day of Rural Women.

Question — put and agreed to.

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

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 140, be postponed until later this day.

**16 MARINE AND FISHERIES LEGISLATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until the Government commits to —

- (1) a genuine consultation process with the Gippsland Lakes Fishery Access Licence Holders on the compulsory buyback of their licences; and
- (2) releasing all expert advice, including the Valuer-General's assessment on equipment, to individual licence holders in accordance with section 3A(1)(h) of the *Fisheries Act 1995*."

Debate ensued.

Question — That the reasoned amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

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

NOES, 22

Mr Bourman; 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; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Mr Gepp and Ms Terpstra*)

Question negatived.

Question — That the Bill be now read a second time — 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 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**18 SUPERANNUATION 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 Mr Jennings were circulated.

Question — put and agreed to.

Bill read a second time.

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

Mr Jennings moved, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Parliamentary Salaries, Allowances and Superannuation Act 1968* in relation to the Parliamentary Contributory Superannuation Fund.

Question — put and agreed to.

Bill 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.

**19 ADJOURNMENT** — Ms Tierney 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 6.22 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 36 — Wednesday, 16 October 2019

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

**2 PETITIONS** —

**MANDATORY MINIMUM SENTENCE FOR FARM TRESPASS** — Mr Bourman presented a Petition bearing 261 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce a mandatory minimum sentence of 6 months as the penalty for trespass onto farms or associated animal businesses.

Ordered to lie on the Table.

\* \* \* \* \*

**RESERVOIR RAIL CROSSING CLOSURE** — Mr Ondarchie presented a Petition bearing 142 signatures from certain citizens of Victoria requesting that the Legislative Council condemn the Government for its inadequate communication with Reservoir shopkeepers relating to the closure of the Reservoir rail crossing and requests that the Government take action so that local businesses affected by the road closure will still exist after the works are completed.

Ordered to lie on the Table.

**3 PAPERS** —

**PARLIAMENTARY DEPARTMENTS** — Ms Lovell moved, by leave, That there be laid before this House a copy of the —

(1) Department of the Legislative Council Report, 2018-19; and

(2) Department of Parliamentary Services Report, 2018-19.

Question — put and agreed to.

The Reports were presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — RECOMMENDATION ON THE APPOINTMENT OF A PERSON TO CONDUCT THE PERFORMANCE AUDIT OF THE AUDITOR-GENERAL AND THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report from the Public Accounts and Estimates Committee on the Recommendation on the appointment of a person to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office, October 2019.

Ordered to be published.

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

**5 ENVIRONMENT PROTECTION AMENDMENT (REFUND ON BOTTLES AND CANS) BILL 2019** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

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

**6 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) 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.

**7 HEALTH FUNDING — 2019-20 STATE BUDGET** — Ms Crozier moved, That this House expresses concern with the Andrews Government's cuts to health funding in the 2019-20 Budget, and notes the direct impact this has had on the —

- (1) Austin Hospital;
- (2) Cyber Security of Hospital networks;
- (3) Primary Care Partnerships across the State; and
- (4) safety and wellbeing of Victorian patients and staff.

Debate ensued.

*The 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, 11

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

*(Tellers: Ms Lovell and Ms Wooldridge)*

NOES, 28

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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 Shing and Ms Vaghela)*

Question negatived.

*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.

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:

- **Primary Care Partnerships review** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 17 October 2019.
- **Police supervision of mental health patients** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 18 October 2019.
- **Regional Development Victoria – Budget** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 17 October 2019.
- **Public land sale** — substantive question asked by Mr Hayes — response from Mr Jennings due Friday, 18 October 2019.
- **Road safety – crash statistics** — supplementary question asked by Mr Rich-Phillips — response from Ms Pulford due Thursday, 17 October 2019.

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

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

**11 CRIMES AMENDMENT (TRESPASS) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

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

*(Tellers: Ms Bath and Mrs McArthur)*

NOES, 26

Mr Elasmr; Mr Erdogan; Ms Garrett; Mr Gepp; 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: Mr Elasmr and Ms Taylor)*

Question negatived.

**12 EMERGENCY WORKER SAFETY** — Ms Maxwell moved, That this House —

- (1) acknowledges the selfless dedication and commitment of the State's emergency workers to ensure community safety;
- (2) reaffirms that emergency workers have the right to be protected, just as the Victorian community expects them to protect us, from injury and harm;
- (3) expresses its concern at the continued proliferation of attacks on these workers;
- (4) confirms its commitment to the need for mandatory minimum sentences for assaults on emergency workers;
- (5) reinforces a very clear message to all Victorians that violence against emergency workers will not be tolerated;
- (6) calls on the Government to consider the need for further legislative changes that —
  - (a) better safeguard emergency workers from assaults; and
  - (b) more effectively prevent the perpetrators of such assaults from avoiding mandatory minimum sentences in Victorian courts.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

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

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

## NOES, 24

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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)*

Question negatived.

- 13 MURRAY BASIN RAIL PROJECT** — Ms Maxwell moved, That this House requests that the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, attend a public meeting, to provide information and answer questions about the Murray Basin Rail Project, at a time of day and at a place in Northern Victoria of her choosing, on or before 15 November 2019.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Maxwell.*

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

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

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

And then the Council, at 5.54 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 37 — Thursday, 17 October 2019

- 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 amendment:

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.

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**COUNTY COURT OF VICTORIA REPORT, 2018-19** — 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 REPORT, 2017-18** — 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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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 the 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 (ACMI) — 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 Limited — 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 the 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 (NGV) — Report, 2018-19.  
Country Fire Authority (CFA) — 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 (ESSSuper) — Report, 2018-19.  
Emergency Services Telecommunications Authority (ESTA) — Report, 2018-19.  
Energy Safe Victoria — Report, 2018-19.  
Environment, Land, Water and Planning Department — Report, 2018-19.  
Environment Protection Authority (EPA) — 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 (GV 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 (GWM Water) — Report, 2018-19.  
Greater Metropolitan Cemeteries Trust — Report, 2018-19.  
Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of the 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 the 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, 2018-19 by the Chief Commissioner of Victoria Police, pursuant to section 148R.  
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, 2018-19.  
Mercy Hospitals Victoria Ltd — Report, 2018-19.  
Metropolitan Fire and Emergency Services Board (MFB) — Report, 2018-19.  
Mildura Cemetery Trust — Minister's report of receipt of the 2018-19 report.  
Monash Health — Report, 2018-19.  
Moyne 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 the 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, 2018-19.  
Premier and Cabinet Department — Report, 2018-19.  
PrimeSafe — Report, 2018-19.  
Public Interest Monitor — Report, 2018-19.  
Public Record Office Victoria (PROV) — 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 the 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 the 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 (TAC) — 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 the 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 (SES) — Report, 2018-19.
- Victorian Arts Centre Trust — Report, 2018-19.
- Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of the 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 (VicHealth) — 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 the 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 (VicTrack) — 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 the 2018-19 report.
- Victorian Veterans Council — Report, 2018-19.
- Victorian WorkCover Authority (WorkSafe) — 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 and Mr Bourman were circulated.

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

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

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:

- **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 2019** — 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 Houlston, 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 Houlston, 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 and Ms Patten were circulated.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr 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.

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

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On the motion of Ms Symes, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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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.

- 14 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.

- 15 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.

**16 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.

**17 LAND (REVOCAION OF 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.

**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 8.12 p.m., adjourned until Tuesday, 29 October 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 35, 36 and 37

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### MARINE AND FISHERIES LEGISLATION AMENDMENT BILL 2019

*Committed Tuesday, 15 October 2019*

**Clauses 1 to 18** — put and agreed to.

**Bill reported without amendment.**

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### SUPERANNUATION LEGISLATION AMENDMENT BILL 2019

*Committed Tuesday, 15 October 2019*

*Amendments circulated: Mr Jennings (see pp. 266-8).*

**Clause 1** — Mr Jennings moved Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment Nos. 2 and 3 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Jennings moved Amendment No. 4 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 15** — put and agreed to.

**New Clause** — Mr Jennings moved Amendment No. 5.

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

**Clause 16** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019

*Committed Thursday, 17 October 2019*

*Amendments circulated: Mr Limbrick (see p. 268), Mr Bourman (see p. 268) and Dr Ratnam (see p. 269).*

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

**Clause 1** — Mr Limbrick moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Bourman; Dr Cumming; Mr Grimley; Mr Limbrick; Ms Maxwell; Mr Quilty.  
(*Tellers: Mr Bourman and Mr Grimley*)

## NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; 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 Gepp and Dr Ratnam)*

Question negatived.

Mr Bourman moved Amendment No. 1 — put and agreed to.

Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Meddick; Dr Ratnam.

*(Tellers: Mr Meddick and Dr Ratnam)*

## 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; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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: Mr Limbrick and Mr Quilty)*

Question negatived.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.

**New Clause** — Mr Bourman moved Amendment No. 2.

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

**Clauses 3 to 5** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

## HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2019

*Committed Thursday, 17 October 2019*

*Amendments circulated: Ms Patten (see p. 268), Mr Limbrick (see pp. 269-70) and Ms Crozier (see p. 270).*

**Clause 1** — Ms Patten moved Amendment No. 1 — put and negatived.

Mr Limbrick moved Amendment No. 1 — put and negatived.

Mr Limbrick moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Limbrick; Ms Patten; Mr Quilty.  
(*Tellers: Mr Limbrick and Ms Patten*)

NOES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; 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 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 Bourman and Mr Grimley*)

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 84** — put and agreed to.

**Clause 85** — Ms Crozier moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

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

NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Mr Hayes and Dr Ratnam*)

Question negated.

Clause 85 — put and agreed to.

**Clauses 86 to 88** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. SUPERANNUATION LEGISLATION AMENDMENT BILL 2019

#### Amendments circulated by Mr Jennings

1. Clause 1, line 9, after "Acts" insert "and to amend the **Parliamentary Salaries, Allowances and Superannuation Act 1968** in relation to the Parliamentary Contributory Superannuation Fund".
2. Clause 2, line 2, after "Act" insert "(except sections 4(5) and 16)".
3. 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.
4. Clause 3, line 7, before "then" insert "on or after 1 July 2019".

#### NEW CLAUSE

5. Insert the following New Clause to follow after clause 15—

#### **'16 Amendment of the Parliamentary Salaries, Allowances and Superannuation Act 1968**

In the **Parliamentary Salaries, Allowances and Superannuation Act 1968**—

- (a) in section 10(1) **insert** the following definition—

**"additional salary** means the amount of additional salary calculated in accordance with the Table in subsection (6);"

- (b) after section 10(5) **insert**—

"(6) For the purposes of the definition of **additional salary**, additional salary means the highest additional salary amount specified in the Table in respect of the offices held by the Member.

**TABLE**

<i>Office</i>	<i>Additional Salary</i>
	% per annum of basic salary
Premier	100
Deputy Premier	85
Any other responsible Minister of the Crown	75
Leader of the Opposition	75
President	65
Speaker	65
Deputy President	20
Deputy Speaker	20
Deputy Leader of the Opposition in the Assembly	32
Leader of the Opposition in the Council	32

<i>Office</i>	<i>Additional Salary</i>
	% per annum of basic salary
Leader of the Third Party (unless the Leader of the Third Party is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)	32
Cabinet Secretary	32
Parliamentary Secretary to the Premier	20
Chairperson of the Public Accounts and Estimates Committee	20
Government Whip in the Assembly	18
Deputy Leader of the Opposition in the Council	18
Deputy Leader of the Third Party (unless the Deputy Leader of the Third Party is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)	18
Parliamentary Secretaries	15
Chairperson of the Scrutiny of Acts and Regulations Committee	15
Chairperson of the Integrity and Oversight Committee	15
Government Whip in the Council	11
Opposition Whip in the Assembly	11
Opposition Whip in the Council	11
Whip of the Third Party in the Assembly	11
Whip of the Third Party in the Council	11
Deputy Government Whip in the Assembly	10
Chairperson of a standing committee appointed under standing orders of the Assembly or the Council	10
Chairperson of a Joint Investigatory Committee within the meaning of the <b>Parliamentary Committees Act 2003</b> which is not otherwise provided for in this Table	10
Chairperson of joint select committee where resolution establishing committee so provides that chairperson is entitled	5
Deputy chairperson of the Public Accounts and Estimates Committee	4
Deputy chairperson of the Scrutiny of Acts and Regulations Committee	4

<i>Office</i>	<i>Additional Salary</i>
	% per annum of basic salary
Deputy chairperson of the Integrity and Oversight Committee	4
Secretary of the Party forming the Government	4
Secretary of the Opposition Party	4
Secretary of the Third Party	4

";

- (c) in section 14(1) for "the gross amount of the instalment" **substitute** "an instalment of the aggregate of basic salary and additional salary";
- (d) in section 14(2) for "occupies an office specified in section 6(2)" **substitute** "is an office holder specified in the Table in section 10(6)";
- (e) in section 14(2) **omit** "payable to that member by virtue of occupying an office specified in section 6(2)";
- (f) for section 21A(4)(a) **substitute**—
- "(a) the following definitions apply—
- office** means an office specified in the Table in section 10(6);
- office holder** means the holder of an office specified in the Table in section 10(6);
- parliamentary allowance**, in relation to a Member, means basic salary;
- salary**, in relation to a Member who is an office holder, means additional salary;".

## 2. RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019

### Amendments circulated by Mr Limbrick

1. Clause 1, after line 4 insert—
 

"(aa) to provide that renewable energy sources include nuclear energy; and".
2. Insert the following New Clause to follow clause 2—

#### **'2A Definitions**

In section 3 of the **Renewable Energy (Jobs and Investment) Act 2017**, after paragraph (b) of the definition of **renewable energy source** insert—

"(ba) nuclear;".

### Amendments circulated by Mr Bourman

1. Clause 1, after line 4 insert—
 

"(aa) to provide that renewable energy sources include hydro energy; and".
2. Insert the following New Clause to follow clause 2—

#### **'2A Definitions**

In section 3 of the **Renewable Energy (Jobs and Investment) Act 2017**, after paragraph (b) of the definition of **renewable energy source** insert—

"(ba) hydro;".



Amendments circulated by Dr Ratnam

1. Clause 1, line 6, omit "50%" and insert "100%".
2. Clause 3, line 13, omit "50%" and insert "100%".
3. Long title, omit "50%" and insert "100%".

**3. HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2019**Amendments circulated by Ms Patten

1. Clause 1, page 1, after line 5, **insert—**  

"(aa) to amend the **Drugs, Poisons and Controlled Substances Act 1981**, to streamline the processes for obtaining medicinal cannabis; and".
2. Clause 14, page 6, lines 22 to 24, omit this clause.

## NEW CLAUSE

3. Insert the following New Clause before clause 15—

**"14 Section 31A substituted**

For section 31A of the **Drugs, Poisons and Controlled Substances Act 1981**, **substitute—**

**'31A Division does not require certain people to obtain permits in respect of cannabis or cannabidiol**

Nothing in this Division or the regulations is to be taken to require a registered medical practitioner or a nurse practitioner to obtain a permit under this Division or the regulations in order to administer, supply or prescribe cannabis listed in Schedule 8 or Schedule 9 of the Poisons Standard under the heading "CANNABIS", or cannabidiol listed in Schedule 4 of the Poisons Standard under the heading "CANNABIDIOL", other than in respect of—

- (a) administering, supplying or providing it to a drug dependent person; or
- (b) administering, supplying or providing it for the purposes of a clinical trial; or
- (c) administering, supplying or providing it to a person who is aged under 16 years."

Amendments circulated by Mr Limbrick

1. Clause 1, page 3, line 9, after "advertisements" insert "and to remove the prohibition on the manufacture and sale of smokeless forms of tobacco".
2. Clause 1, page 3, after line 10 insert—  

"(iii) to further provide for the regulation of specialist e-cigarette retailing premises; and".
3. Clause 67, line 25, omit "**Exemptions**" and insert "**Sections 10 and 15 repealed**".
4. Clause 67, line 26, omit "Section" and insert "(1) Section".
5. Clause 67, after line 26 insert—  

"(2) Section 15 of the **Tobacco Act 1987** is **repealed**".

## NEW CLAUSE

6. Insert the following New Clause to follow clause 67—

**"67A Determination of application**

Section 15U(2A)(b) of the **Tobacco Act 1987** is repealed."

**Amendment circulated by Ms Crozier**

Clause 85, page 30, after line 10 insert—

"(ga) the licensed medically supervised injecting centre within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**; or".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 38, 39 and 40

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#### No. 38 — Tuesday, 29 October 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 22 October 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Health Legislation Amendment and Repeal Act 2019*  
*Marine and Fisheries Legislation Amendment Act 2019*  
*Superannuation Legislation Amendment Act 2019.*

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

**NORTH RICHMOND COMMUNITY HEALTH CENTRE REVIEW** — Ms Mikakos having given answers to a question without notice and supplementary question relating to the North Richmond Community Health Centre review —

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.

**RAIL COSTS OF GRAIN TRANSPORTATION** — Ms Symes having given answers to a question without notice and supplementary question relating to rail costs of grain transportation —

On the motion of Mr Davis, 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:

- **North Richmond Community Health Centre review** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 30 October 2019.
- **Racing Industry Royal Commission** — substantive question asked by Mr Meddick — response from Mr Somyurek due Thursday, 31 October 2019.
- **Access to medical terminations** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 30 October 2019.

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

**5 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 13 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2019-20 BUDGET ESTIMATES** —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report on the 2019-20 Budget Estimates (including Appendices) from the Public Accounts and Estimates Committee, and further presented Transcripts of Evidence.

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

\* \* \* \* \*

**OMBUDSMAN — ANNUAL REPORT 2018-19** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Annual Report 2018-19.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Health Complaints Commissioner — Report, 2018-19.

Independent Broad-based Anti-corruption Commission — Report, 2018-19 (*Ordered to be published*).

LanguageLoop — Report, 2018-19.

Occupational Health and Safety Act 2004 — Report, 2018-19 of requests for the approval of persons or bodies by the Governor in Council under section 11 of the Act.

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

Boroondara Planning Scheme — Amendment C303.

Frankston Planning Scheme — Amendment C127.

Greater Dandenong Planning Scheme — Amendment C207.

Greater Geelong Planning Scheme — Amendment C388.

Greater Shepparton Planning Scheme — Amendment C220.

Mitchell Planning Scheme — Amendments C130 and C138.

Moorabool Planning Scheme — Amendment C94.

Mornington Peninsula Planning Scheme — Amendment C214.

Nillumbik Planning Scheme — Amendment C123.

Queenscliffe Planning Scheme — Amendment C32.

Wangaratta Planning Scheme — Amendment C71.

Wellington Planning Scheme — Amendment C103.

Yarra Planning Scheme — Amendment C267.

Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — Progress Report, 2018-19, under section 8 of the Act.

Statutory Rules under the following Acts of Parliament —

Coroners Act 2008 — No. 97.

Estate Agents Act 1980 — No. 98.

Health Services Act 1988 — No. 99.

Road Safety Act 1986 — No. 100.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 87, 91, 93, 95 to 97 and 100.

Legislative instrument and related documents under section 16B in respect of Minister's approval 31 July 2019 of the Victorian Commercial Passenger Vehicle Code of Practice Part 1: Risk Culture and Safety Management under the Commercial Passenger Vehicle Industry Act 2017.

Victorian Electoral Commission —  
Report, 2018-19.

Report to Parliament on the 2018 Victorian State Election.

Workplace Injury Rehabilitation and Compensation Act 2013 — Report, 2018-19 of requests for the approval of persons or bodies by the Governor in Council under item 16 of Schedule 8 of the Act, pursuant to section 595(4).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Parts 2.5 and 2.6, Division 2 of Part 2.7 and sections 71 and 73 — 29 October 2019 — Remaining Provisions — 1 December 2019 (*Gazette No. S424, 22 October 2019*).

**6 BUSINESS OF THE COUNCIL** — Mr Barton moved, by leave, That precedence be given to the following General Business on Wednesday, 30 October 2019 —

- (1) Order of the Day No. 4, second reading of the Commercial Passenger Vehicle Industry Amendment Bill 2019;
- (2) Order of the Day No. 1, second reading of the Planning and Environment Amendment (Local Democracy) Bill 2019;
- (3) Notice of Motion No. 93 standing in the name of Dr Ratnam referring a matter to the Environment and Planning Committee relating to Victoria's ecosystems;
- (4) Notice of Motion No. 179 standing in the name of Dr Ratnam in relation to the private sales of surplus Crown land and State Government owned freehold land;
- (5) the notice of motion given this day by Ms Crozier in relation to the North Richmond Medically Supervised Injecting Room;
- (6) the notice of motion given this day by Mr Davis in relation to the production of documents relating to Infrastructure Victoria;
- (7) the notice of motion given this day by Mr O'Donohue in relation to Fines Victoria;
- (8) Order of the Day No. 14, relating to the Shepparton Education Plan;
- (9) Order of the Day No. 17, relating to the Murray Basin Rail Project; and
- (10) the notice of motion given this day by Ms Maxwell in relation to the production of documents relating to the Youth Crime Prevention Grants program.

Question — put and agreed to.

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 140, be postponed until later this day.

**9 LAND (REVOCATION OF RESERVATIONS) BILL 2019** — Ms Mikakos 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 Mikakos, the second reading speech was incorporated into Hansard.

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

On the motion of Mr O'Donohue, the debate was adjourned for one week.

**10 PRIMARY INDUSTRIES 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 Mr O'Donohue, Mr Meddick, Mr Bourman, and Ms Patten 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 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.

**11 RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES DELIVERY AND RELATED REFORMS) 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 Davis were circulated.

Question — put and agreed to.

Bill read a second time.

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

Mr Davis moved, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Rail Management Act 1996* to provide for parliament oversight of the sale and lease of railway track, tramway track and rolling stock by the Crown or statutory bodies.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**12 LAND (REVOCAION OF RESERVATIONS) BILL 2019 — STATEMENT OF COMPATIBILITY TABLED IN LIEU** — Ms Symes moved, by leave, That in relation to the Land (Revocation of Reservations) Bill 2019, the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* be tabled in lieu of that tabled earlier this day.

Question — put and agreed to.

**13 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 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 39 — Wednesday, 30 October 2019

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

2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of the Victorian Protective Data Security Standards of 28 October 2019 under the Privacy and Data Protection Act 2014.

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

4 **COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2019** — Mr Barton laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

5 **PLANNING AND ENVIRONMENT AMENDMENT (LOCAL DEMOCRACY) BILL 2019** — Mr Hayes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

## 6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — VICTORIA'S ECOSYSTEMS — Dr Ratnam moved, That this House —

- (1) notes that the recent UN Global Assessment Report on Biodiversity and Ecosystem Services found that more animals and plants are threatened with extinction than ever before in human history, and that the decline of ecosystems threatens the resilience of agriculture and human wellbeing;
- (2) further notes that the Victorian State of the Environment Report demonstrates significant decline in Victoria's natural environment as well as increasing rates of native species extinction;
- (3) requires the Environment and Planning Committee to inquire into, consider and report, within 12 months, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, including but not limited to —
  - (a) the extent of the decline of Victoria's biodiversity and the likely impact on people, particularly First Peoples, and ecosystems, if more is not done to address this, including consideration of climate change impacts;
  - (b) the adequacy of the legislative framework protecting Victoria's environment, including grasslands, forests and the marine and coastal environment, and native species;
  - (c) the adequacy and effectiveness of government programs and funding protecting and restoring Victoria's ecosystems;
  - (d) legislative, policy, program, governance and funding solutions to facilitate ecosystem and species protection, restoration and recovery in Victoria, in the context of climate change impacts;
  - (e) opportunities to restore Victoria's environment while upholding First Peoples' connection to country, and increasing and diversifying employment opportunities in Victoria; and
  - (f) any other related matters.

Debate ensued.

Mr Hayes moved, as an amendment, That in paragraphs (e) and (f) all the words after "Victoria;" be **omitted** and the following be **inserted** in their place —

- "(f) the role of human population growth both at present and considering future projections; and  
(g) any other related matters."

Debate ensued.

Question — That the amendment moved by Mr Hayes be agreed to — put and negatived.

Question — That the motion be agreed to — put and agreed to.

## 7 RENEWABLE ENERGY (JOBS AND INVESTMENT) 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.

*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.

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:

- **Taxi licence holder compensation** — substantive and supplementary questions asked by Mr Barton — response from Mr Jennings due Friday, 1 November 2019.
- **Police management of protesters** — substantive question asked by Dr Ratnam — response from Ms Tierney due Friday, 1 November 2019.

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 179, be postponed until later this day.

**11 NORTH RICHMOND MEDICALLY SUPERVISED INJECTING FACILITY** — Ms Crozier moved, That this House expresses concern at the maladministration of the Andrews Labor Government's publicly funded and controlled medically supervised injecting facility in North Richmond.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Grimley and Mrs McArthur)

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Dr Kieu and Ms Stitt)

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 195 and 184, and Order of the Day, General Business, No. 3, be postponed until later this day.

**13 MURRAY BASIN RAIL PROJECT** — Debate resumed on the question, That this House requests that the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, attend a public meeting, to provide information and answer questions about the Murray Basin Rail Project, at a time of day and at a place in Northern Victoria of her choosing, on or before 15 November 2019.

Question — put and agreed to.

**14 PRODUCTION OF DOCUMENTS — YOUTH JUSTICE CENTRES** — Ms Maxwell moved, That this House —

- (1) notes the difficulties in Victoria's Youth Justice Centres at Malmsbury and Parkville;
- (2) expresses its concern and condemns any attacks on custodial and frontline officers in those Centres;
- (3) calls on the Government to provide a detailed explanation of the measures that will be implemented, between now and the scheduled 2021 completion of the Cherry Creek facility, in order to strengthen safety and security, and better support youth justice workers, at the Malmsbury and Parkville sites; and
- (4) 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, 20 November 2019, a copy of the 2018 interim evaluation report of the Youth Crime Prevention Grants program, subject to any legal, privacy or security concerns.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Stitt.*

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



**16 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 5.58 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 40 — Thursday, 31 October 2019

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

2 **PETITION — RESTORATION OF HISTORIC PARK IN CAMBERWELL JUNCTION** — Ms Taylor presented a Petition bearing 179 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Boroondara City Council to restore the historic park in Camberwell Junction with playgrounds and community facilities and permanently reserve the original crown land allotment 113C for 'public gardens', as it was from 1882 to 1969.

Ordered to lie on the Table.

3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2019** — Dr Ratnam, and also on behalf of Ms Patten, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill-testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes.*

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

4 **ORDER OF THE DAY DISCHARGED** — Dr Ratnam moved, by leave, That Order of the Day, General Business, No. 5, Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019 be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of the 2018-19 report.

Caulfield Racecourse Reserve Trust — Minister's report of receipt of the 2018-19 report.

Commercial Passenger Vehicle Commission — Report, 2018-19.

Commissioner for Children and Young People — Report, 2018-19 (*Ordered to be published*).

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2018-19 report.

Emerald Tourist Railway Board — Report, 2018-19.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.

Metropolitan Waste and Resource Recovery Group — Report, 2018-19.

Statutory Rules under the following Acts of Parliament —

Guardianship and Administration Act 1986 — No. 101.

Road Safety Act 1986 — No. 104.

Subordinate Legislation Act 1994 — Nos. 102, 103 and 105.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 92, 98 and 101.

Surveillance Devices Act 1999 — Report, 2018-19 pursuant to section 30L, for —  
Australian Criminal Intelligence Commission.

Independent Broad-based Anti-corruption Commission.

Victoria Police.

Victorian Fisheries Authority.

Sustainability Victoria — Report, 2018-19.

Trust for Nature (Victoria) — Report, 2018-19.

Victorian Inspectorate — Report, 2018-19.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of failure to submit the 2018-19 report, together with an explanation for the delay.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 12 November 2019.

Question — put and agreed to.

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 199, be postponed until later this day.

**9 DANGEROUS GOODS AMENDMENT (PENALTY REFORM) 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 and agreed to.

Bill read a second time.

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

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Dangerous Goods Act 1985* to require any inspection of a place used for a residential purpose, or a vehicle that is not a commercial vehicle, to be under the authority conferred by a warrant.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*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.

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:

- **Training and skills budget** — supplementary question asked by Ms Wooldridge — response from Ms Tierney due Monday, 4 November 2019.
- **Housing projections for Southern Metropolitan Region** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 4 November 2019.
- **Draining of Reedy Lake 3, Kerang** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 4 November 2019.
- **Drug driving penalties** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 4 November 2019.

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

**12 DANGEROUS GOODS AMENDMENT (PENALTY REFORM) 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.

**13 CHILDREN'S SERVICES 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, 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.

**14 POLICE LEGISLATION AMENDMENT (ROAD SAFETY CAMERA COMMISSIONER 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 O'Donohue were circulated.

Question — put and agreed to.

Bill read a second time.

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

Mr O'Donohue moved, by leave, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Crimes Act 1958* to create an offence of harming a police horse.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Offenders Act 2018, the Corrections Act 1986 and certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr O'Donohue, the debate was adjourned for one week.

**16 BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 in relation to cladding rectification and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**17 MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to impose a levy to fund measures to mitigate impacts on the environment caused by the development of land in Melbourne's growth corridors and to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**18 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr O'Donohue (for Mr Rich-Phillips), the debate was adjourned for one week.

**19 JUSTICE LEGISLATION AMENDMENT (CRIMINAL APPEALS) BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 and the Criminal Procedure Act 2009 in relation to certain appeals and the powers of the Court of Appeal and to make consequential amendments to the Supreme Court Act 1986 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr O'Donohue, the debate was adjourned for one week.

**20 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.33 p.m., adjourned until Tuesday, 12 November 2019.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 38, 39 and 40

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### PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2019

*Committed Tuesday, 29 October 2019*

*Amendments circulated: Mr O'Donohue (see pp. 284-5) and Mr Meddick (see pp. 285-6).*

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

*(Tellers: Mr Bourman and Mr Quilty)*

NOES, 24

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: Ms Patten and Ms Taylor)*

Question negatived.

Mr Meddick 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 Ms Patten)*

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; 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: Mr Limbrick and Ms Vaghela)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 6** — put and agreed to.

**Clause 7** — Ms Patten moved Amendment Nos. 1 to 4 — put and negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 104** — put and agreed to.

**Bill reported without amendment.**

## **RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES DELIVERY AND RELATED REFORMS) BILL 2019**

*Committed Tuesday, 29 October 2019*

*Amendments circulated: Mr Davis (see pp. 286-7).*

**Clause 1** — Mr Davis moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

*(Tellers: Mr Hayes and Dr Ratnam)*

NOES, 23

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 Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Dr Cumming and Mr Meddick)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 119** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **DANGEROUS GOODS AMENDMENT (PENALTY REFORM) BILL 2019**

*Committed Thursday, 31 October 2019*

*Amendments circulated: Mr Rich-Phillips (see pp. 287-8) and Mr Quilty (see pp. 288-9).*

**Clause 1** — Mr Rich-Phillips moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

*(Tellers: Mr Barton and Mr Bourman)*

NOES, 22

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 Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Gepp and Mr Meddick)*

Question negatived.

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, 3

Mr Hayes; Mr Limbrick; Mr Quilty.  
(*Tellers: Mr Limbrick 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; 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 Bourman and Ms Patten*)

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**New Clause** — Mr Quilty moved Amendment No. 3.

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

**Clauses 3 to 14** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **POLICE LEGISLATION AMENDMENT (ROAD SAFETY CAMERA COMMISSIONER AND OTHER MATTERS) BILL 2019**

*Committed Thursday, 31 October 2019*

*Amendments circulated: Mr O'Donohue (see p. 289).*

**Clause 1** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Meddick and Mrs McArthur*)

NOES, 22

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; 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 Garrett and Ms Pulford*)

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 16** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2019**Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, lines 30 to 35, omit all words and expressions on these lines and insert—

"(e) to amend the **Game Management Authority Act 2014**—

- (i) to make amendments to the objectives and functions of the Authority in relation to game hunting; and
- (ii) to make minor amendments to improve the governance arrangements in that Act; and
- (iii) to allow authorised officers to enforce related offences under other Acts; and
- (iv) to make other miscellaneous amendments to that Act; and".

## NEW CLAUSES

2. Insert the following New Clauses to follow clause 40—

**'40A Objectives of the Authority**

For section 5(b) of the **Game Management Authority Act 2014** substitute—

- "(b) to optimise the social, cultural and economic benefits of game hunting; and
- (c) to support the development of recreational game hunting; and
- (d) to support the development of commercial game hunting; and
- (e) to work cooperatively with game hunting bodies in other States, Territories and the Commonwealth; and
- (f) to perform its functions and exercise its powers in any manner it considers best achieves its objectives."

**40B Functions**

(1) For section 6(a) of the **Game Management Authority Act 2014** substitute—

"(a) to inform and educate game hunters and the public about rights and obligations in relation to game hunting; and".

(2) For section 6(c) of the **Game Management Authority Act 2014** substitute—

"(c) to monitor, investigate, enforce and promote compliance with this Act and other Acts and the regulations made under those Acts in so far as they relate to game hunting; and".

(3) In section 6(g) of the **Game Management Authority Act 2014**, after "in" insert "relation to recreational and commercial".

(4) In section 6(i)(iv) of the **Game Management Authority Act 2014**, for "habitat." substitute "habitat; and".

(5) After section 6(i) of the **Game Management Authority Act 2014** insert—

- "(j) to provide advice to the Minister or Secretary to assist in the development of strategic policy or legislation in relation to the development or management of game hunting and game management in Victoria; and
- (k) to administer grants approved by the Minister in relation to game and game hunting."

**40C Exercise of powers**

For section 8(2) of the **Game Management Authority Act 2014** substitute—



"(2) If the Authority is given a written direction under subsection (1), the Authority must publish the direction—

- (a) in the Government Gazette within 14 days of receiving the direction; and
- (b) in its annual report; and
- (c) on its Internet site.".'. .

### Amendments circulated by Mr Meddick

1. Clause 1, page 3, lines 6 to 9, omit all words and expressions on these lines and insert—

"(g) to amend the **Meat Industry Act 1993**—

- (i) to allow vehicles to be used as meat processing facilities; and
- (ii) to provide that certain animals are not consumable animals; and
- (iii) to make other minor and consequential amendments to that Act; and".

#### NEW CLAUSES

2. Insert the following New Clause to follow clause 60—

#### **'60A Definitions**

In section 3(1) of the **Meat Industry Act 1993**, in the definition of **consumable animal**, paragraph (c)(v) is **repealed**."

3. Insert the following New Clause to follow clause 60—

#### **'60B Definitions**

In section 3(1) of the **Meat Industry Act 1993**, in the definition of **consumable animal**, in paragraph (d), after "animal" (where first occurring) **insert** "(other than a rabbit)".

4. Insert the following New Clause to follow clause 60—

#### **'60C Ban on sale or slaughter**

After section 35(2) of the **Meat Industry Act 1993** insert—

"(2A) Despite subsection (2), the Minister must not recommend to the Governor in Council that meat from a horse be exempted from subsection (1)".

5. Insert the following New Clause to follow clause 60—

#### **'60D Ban on sale or slaughter**

Before section 35(3) of the **Meat Industry Act 1993** insert—

"(2B) Despite subsection (2), the Minister must not recommend to the Governor in Council that meat from a rabbit not living in a wild state be exempted from subsection (1)".

#### NEW CLAUSE

6. Insert the following New Clause to follow clause 63—

#### **'63A New section 95 inserted**

After section 94 of the **Meat Industry Act 1993** insert—

#### **"95 Transitional and savings provisions relating to the Primary Industries Legislation Amendment Act 2019**

- (1) This section applies to and in respect of a meat processing facility that held a licence authorising the processing of meat from rabbits not living in the wild immediately before the commencement of section 60B of the amending Act.
- (2) Despite the amendments to this Act made by section 60B of the amending Act, this Act and any instruments made under this Act, as in force

immediately before the commencement of section 60B of the amending Act, continue to apply for the period of the licence in respect of the processing of meat from rabbits not living in the wild and related activities carried out by the meat processing facility on and after the commencement of section 60B as if those amendments had not been made.

(3) In this section—

**amending Act** means **Primary Industries Legislation Amendment Act 2019**".

## 2. RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES DELIVERY AND RELATED REFORMS) BILL 2019

### Amendments circulated by Mr Davis

1. Clause 1, page 2, line 16, omit "**2013.**" and insert "**2013; and**".
2. Clause 1, page 2, after line 16 insert—
  - "(c) to amend the **Rail Management Act 1996** to provide for parliament oversight of the sale and lease of railway track, tramway track and rolling stock by the Crown or statutory bodies."
3. Clause 19, line 7, omit "**Related**" and insert "**Other**".
4. Clause 19, line 14, omit "**Related**" and insert "**Other**".
5. Clause 19, line 25, omit "**Related**" and insert "**Other**".
6. Clause 19, page 100, line 31, omit "**Related**" and insert "**Other**".
7. Clause 19, page 102, line 17, omit "**Related**" and insert "**Other**".
8. Clause 19, page 102, line 26, omit "**Related**" and insert "**Other**".
9. Page 136, after line 12 insert the following heading—

**"Division 1A—Amendment of the Rail Management Act 1996".**

#### NEW CLAUSES

10. Insert the following New Clauses to follow clause 106 and the heading proposed by amendment number 9—

#### **"106A Definitions**

In section 3(1) of the **Rail Management Act 1996** insert the following definitions—

**"critical infrastructure** means a railway track, tramway track or rolling stock;

**foreign government** has the same meaning as in section 4 of the Foreign Acquisitions and Takeovers Act 1975 of the Commonwealth;

**foreign person** has the same meaning as in section 4 of the Foreign Acquisitions and Takeovers Act 1975 of the Commonwealth;

**public entity** has the same meaning as in section 3 of the **Public Administration Act 2004**;

**relevant agreement** means—

- (a) an agreement for the sale or lease of critical infrastructure and any related infrastructure by an entity on behalf of the Crown or a public entity to—
  - (i) a natural person; or
  - (ii) a body corporate that is not a public entity; or

(iii) the Commonwealth, another State or a Territory or an entity that represents the Crown in right of the Commonwealth, another State or a Territory; or

(iv) a foreign government or foreign person; or

(b) an agreement that amends an agreement referred to in paragraph (a);".

#### **106B New Part 1A inserted**

After Part 1 of the **Rail Management Act 1996** insert—

#### **"Part 1A—Parliament oversight of sale or lease of critical infrastructure**

##### **4 Tabling in Parliament**

The Minister must cause a copy of a relevant agreement to be laid before each House of the Parliament within 6 sitting days of that House following the making of the agreement.

##### **5 Revocation**

- (1) A relevant agreement may be revoked wholly or in part by resolution of each House of the Parliament passed within 6 sitting days of that House after a copy of the relevant agreement is laid before that House.
- (2) If a relevant agreement is not laid before a House of the Parliament within the period required by section 4, the relevant agreement is taken to be revoked on the day immediately following the end of that period.
- (3) The Minister must cause to be published in the Government Gazette a notice of the revocation of the relevant agreement or part of the relevant agreement.

##### **6 Effect of revocation of relevant amending agreement**

- (1) If a relevant amending agreement is revoked under section 5—
  - (a) a provision of the relevant agreement that had been cancelled or revoked by the relevant amending agreement, or by the part of the relevant amending agreement that is revoked, is revived as from the beginning of the day on which the relevant amending agreement or part, was revoked; and
  - (b) a provision of the relevant agreement that had been amended (otherwise than by cancellation or revocation) by the relevant amending agreement, or by the part of the relevant amending agreement that is revoked, takes effect without that amendment as from the beginning of the day on which the relevant amending agreement, or part, was revoked as if the amendment had not been made
- (2) In this section—

**relevant amending agreement** means an agreement referred to in paragraph (b) of the definition of relevant agreement.". ."

11. Clause 110, line 22, omit "**Related**" and insert "**Other**".
12. Long title, after "**Act 2010**" insert ", the **Rail Management Act 1996**".
13. Short title, omit "**Related**" and insert "**Other**".

### **3. DANGEROUS GOODS AMENDMENT (PENALTY REFORM) BILL 2019**

#### Amendments circulated by Mr Rich-Phillips

1. Clause 1, line 9, omit "persons." and insert "persons; and".
2. Clause 1, after line 9 insert—

"(c) to require an annual report to be submitted to the Minister by the Authority in respect of the storage, transportation and disposal of dangerous goods.".

## NEW CLAUSE

3. Insert the following New Clause to follow clause 10—

**'10A New section 60D inserted**

After section 60C of the **Dangerous Goods Act 1985** insert—

**"60D Report on storage, transfer and disposal of dangerous goods**

- (1) As soon as practicable after the end of each financial year, the Authority must submit a written report to the Minister containing—
- (a) any information determined by the Minister; and
  - (b) the following information that is known to the Authority—
    - (i) the number of persons who have stored or transferred dangerous goods without authorisation by or under this Act, the regulations or other law;
    - (ii) the suburb of premises where dangerous goods have been stored without authorisation by or under this Act, the regulations or other law;
    - (iii) the quantity of dangerous goods and the technical names, chemical names and trade names (if any) of those goods that have been stored or transferred without authorisation by or under this Act, the regulations or other law;
    - (iv) the number of inspections carried out by the Authority under Division 3 of Part II;
    - (v) the location of premises or places where dangerous goods have been disposed.
- (2) The Minister must cause a report received under subsection (1) to be laid before each House of the Parliament on or before 31 October in each year or, if a House is not sitting on that day, on the first sitting day after 31 October in each year.
- (3) The Authority must publish the report submitted to the Minister under subsection (1) on the Authority's website as soon as practicable after the report has been laid in each House of the Parliament.".'

## AMENDMENT OF LONG TITLE

4. Long title, after "persons" insert "and to require an annual report to be submitted to the Minister by the Authority in respect of dangerous goods".

*Amendments circulated by Mr Quilty*

1. Clause 1, line 9, omit "persons." and insert "persons; and".
2. Clause 1, after line 9 insert—
  - "(c) to require any inspection of a place used for a residential purpose, or a vehicle that is not a commercial vehicle, to be under the authority conferred by a warrant."

## NEW CLAUSES

3. Insert the following New Clause to follow clause 2—

**"2A Relationship of this Act to other statutory provisions**

Section 8(2) of the **Dangerous Goods Act 1985** is repealed."

4. Insert the following New Clauses before clause 3—

**'2B Power to enter places**

In section 13(1) of the **Dangerous Goods Act 1985**, after "place" insert "(other than a place used for residential purposes)".

**2C Power to inspect vehicles**

- (1) In section 13A(1) of the **Dangerous Goods Act 1985**, after "any" **insert** "commercial".
- (2) In section 13A(2) of the **Dangerous Goods Act 1985**, before "vehicle" (wherever occurring) **insert** "commercial".
- (3) In section 13A(3)(b) of the **Dangerous Goods Act 1985**, before "vehicle" (where twice occurring) **insert** "commercial".

#### **2D Places used for residential purposes**

- (1) In section 16(1) of the **Dangerous Goods Act 1985** **omit** "only".
- (2) Section 16(2) of the **Dangerous Goods Act 1985** is **repealed**.
- (3) The examples at the foot of section 16(2) are **repealed**.'.

#### AMENDMENT OF LONG TITLE

5. Long title, after "persons" insert "and to require any inspection of a place used for a residential purpose, or a vehicle that is not a commercial vehicle, to be under the authority conferred by a warrant".

#### **4. POLICE LEGISLATION AMENDMENT (ROAD SAFETY CAMERA COMMISSION AND OTHER MATTERS) BILL 2019**

##### Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, line 15 for "officers." substitute "officers; and".
2. Clause 1, page 2 after line 15 insert—  
 "(d) to amend the **Crimes Act 1958** to create an offence relating to harming a police horse."
3. Page 10 after line 10 insert the following heading—

#### **"Part 4A—Amendment of the Crimes Act 1958"**

4. Insert the following New Clause to follow clause 15 and the heading proposed by amendment number 3—

##### **"15A New section 31E inserted**

After section 31D of the **Crimes Act 1958** insert—

##### **'31E Harming or threatening a police horse**

A person commits an offence if the person intentionally or recklessly harms or threatens to harm a police horse when the police horse is on duty.

Penalty: 250 penalty units or 12 months imprisonment.'. "





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 41, 42 and 43

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#### No. 41 — Tuesday, 12 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 6 November 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Children's Services Amendment Act 2019*
  - Dangerous Goods Amendment (Penalty Reform) Act 2019*
  - Police Legislation Amendment (Road Safety Camera Commissioner and Other Matters) Act 2019*
  - Primary Industries Legislation Amendment Act 2019*
  - Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019*
  - Renewable Energy (Jobs and Investment) Amendment Act 2019.*
- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**VICTORIAN TIMBER INDUSTRY** — Ms Symes having given a Minister's Statement relating to the Victorian Timber Industry —

On the motion of Ms Bath, by leave, the Minister's Statement was 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:

  - **TAFE enrolment in Northern Region – VCE** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Wednesday, 13 November 2019.
  - **Prescribed burning targets** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Thursday, 14 November 2019.
  - **Residential development in Glen Eira** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 14 November 2019.
  - **Murray-Darling Basin Plan** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 14 November 2019.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**5 PETITIONS —**

**LEVEL CROSSING REMOVALS IN WYNDHAM** — Mr Finn presented a Petition bearing 530 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to pause the three level crossing removals at Old Geelong Road, Hoppers Crossing, and at Cherry and Werribee Streets, Werribee, until community discussions are completed and community options evaluated.

Ordered to lie on the Table.

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

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**SAVE THE STONY CREEK REVITALISATION PROJECT** — Mr Melhem presented a Petition bearing 3,022 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Victorian Government to save the Stony Creek Revitalisation Project in Brimbank.

Ordered to lie on the Table.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 14 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PARLIAMENTARY BUDGET OFFICE REPORT, 2018-19** — Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, Ms Stitt, on behalf of the Public Accounts and Estimates Committee, presented the Parliamentary Budget Office Report, 2018-19.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Administrator of National Health Funding Pool – Victoria State Pool Account — Report, 2018-19.

Crown Land (Reserves) Act 1978 —

Order of 31 October 2019 giving approval to the granting of a lease at Power House Amateur Football Club Inc.

Order of 31 October 2019 giving approval to the granting of a lease at South Melbourne Women's Football Club Inc.

Minister's Order of 10 November 2019 giving approval to the granting of a license at Mount Anakie Reserve.

Geelong Performing Arts Centre Trust — Report, 2018-19.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2018-19 report.

Kooweerup Regional Health Service — Report, 2018-19.

National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2018-19.

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

Boroondara Planning Scheme — Amendment C307.

Kingston Planning Scheme — Amendment C132.

Macedon Ranges Planning Scheme — Amendment C125.

Moreland Planning Scheme — Amendments C178 and C185.

Yarra Ranges Planning Scheme — Amendment C185.

Professional Standards Act 2003 — CPA Australia Ltd Professional Standards (Accountants) Scheme (*Gazette No. S 423, 22 October 2019*).

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 106.

Planning and Environment Act 1987 — No. 107.



Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 99 and 102 to 107.

Legislative instruments and related documents under section 16B in respect of —

Amendment of 16 October 2019 to the Initial Quota Order for the Giant Crab Fishery in the Western Zone under section 64(2) of the Fisheries Act 1995.

Minister's notice of 28 October 2019 of the making of the Code of Practice for yacht clubs which manage 'Boating Activity Events' under section 272 of the Marine Safety Act 2010.

Minister's notice of 29 October 2019 of determination of premises not constituting retail premises under section 5(1)(e) of the Retail Leases Act 2003.

Surveyors Registration Board of Victoria — Minister's report of receipt of the 2018-19 report.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — section 42 — 11 November 2019 (*Gazette No. S 446, 6 November 2019*).

Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019 — section 11 — 3 November 2019 (*Gazette No. S 434, 29 October 2019*).

**7 BUSINESS OF THE COUNCIL** — Ms Patten moved, by leave, That precedence be given to the following General Business on Wednesday, 13 November 2019 —

- (1) Order of the Day for the second reading of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019;
- (2) Order of the Day for the resumption of debate on the second reading of the Planning and Environment Amendment (Local Democracy) Bill 2019;
- (3) the notice of motion given this day by Ms Bath in relation to Victoria's native timber industry;
- (4) Notice of Motion No. 195 standing in the name of Mr Davis in relation to the production of certain documents relating to Infrastructure Victoria;
- (5) Order of the Day for the resumption of debate on the second reading of the Commercial Passenger Vehicle Industry Amendment Bill 2019; and
- (6) Notice of Motion No. 114 standing in the name of Mr Barton in relation to proposed amendments to the Standing Orders.

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 199, be postponed until later this day.

**10 BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 26

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 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 Melhem*)

## NOES, 14

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; 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 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 —*

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Symes 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, 26

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

## NOES, 13

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

*(Tellers: Ms Bath and Mr Quilty)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 ADJOURNMENT** — Ms Tierney 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 7:31 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 42 — Wednesday, 13 November 2019

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

**2 CRIMES AMENDMENT (ABOLITION OF BLASPHEMY) BILL 2019** — Ms Patten introduced *A Bill to abolish the common law offences of blasphemy and blasphemous libel.*

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

**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 —

the Annual Financial Report of the State of Victoria: 2018-19, November 2019

*(Ordered to be published).*

Council Libraries, November 2019 (*Ordered to be published*).

Commission for Children and Young People — Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection, October 2019 (*Ordered to be published*).

Ombudsman — Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust, November 2019 (*Ordered to be published*).

- 4 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO HOMELESSNESS IN VICTORIA** — Ms Patten moved, by leave, That the Resolution of the Council of 7 June 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, be amended so as to now require the Committee to present its report by 17 November 2020.

Question — put and agreed to.

- 5 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA** — Ms Patten moved, by leave, That the Resolution of the Council of 30 May 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 31 March 2021.

Question — put and agreed to.

- 6 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO MANAGEMENT OF CHILD SEX OFFENDER INFORMATION** — Ms Patten moved, by leave, That the Resolution of the Council of 28 August 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, on the management of child sex offender information, be amended so as to now require the Committee to present its report no later than 30 June 2021.

Question — put and agreed to.

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

- 8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2019** — Dr Ratnam, and also on behalf of Ms Patten, laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam, and also on behalf of 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.

- 9 PLANNING AND ENVIRONMENT AMENDMENT (LOCAL DEMOCRACY) 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 Davis were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

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

(*Tellers: Mr Limbrick and Dr Ratnam*)

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(*Tellers: Dr Kieu and Ms Taylor*)

Question negatived.

*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.

\* \* \* \* \*

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

- **Native timber logging ban** — substantive question asked by Mr Limbrick — response from Mr Jennings due Friday, 15 November 2019.
- **1080 aerial baiting licence** — substantive question asked by Mr Meddick — response from Mr Jennings due Friday, 15 November 2019.
- **Portland District Hospital Cyber Security** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 15 November 2019.

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

**12 NATIVE TIMBER INDUSTRY** — Ms Bath moved, That this House condemns the Andrews Labor Government for sacrificing the livelihood of thousands of Victorians and their families through the closure of the native timber industry, and notes —

- (1) the Government's decision is politically motivated and driven by Labor's reliance on Greens' preferences;
- (2) plantation timber cannot meet the needs of markets currently supplied by native hardwood timber by 2030;
- (3) native timber production in Victoria is a sustainable and internationally accredited industry which provides employment for up to 21,000 workers;
- (4) closure of the industry will have a devastating impact on towns like Orbost, Heyfield, Powelltown, Benalla and Corryong;
- (5) Victoria's timber industry harvests less than 0.04 per cent of the forest estate each year, or four out of every 10,000 trees;
- (6) the Government's decision to close the industry will increase the need to import timber that is not harvested under the same strict environmental accreditations as in Victoria;
- (7) the timber industry plays a vital role in bushfire preparedness and fighting bushfires;
- (8) research from the International Panel on Climate Change released in August 2019, which states "A sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fibre or energy from the forest, will generate the largest sustained mitigation benefit";

and calls on the Government to stand up for Victorian workers and Victorian industry and rescind its decision to close the native timber industry.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

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

*(Tellers: Ms Lovell and Mr O'Donohue)*

NOES, 23

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: Dr Cumming and Ms Stitt)*

Question negatived.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 195, be postponed until later this day.

**14 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

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

**16 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 6.18 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 43 — Thursday, 14 November 2019

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

**2 PETITIONS** —

**ADDITIONAL GREEN SPACE IN BRIMBANK** — Mr Finn presented a Petition bearing 182 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allocate additional land contained within the Stony Creek Development adjoining Furlong Road, Western Ring Road and the proposed Methrall Street extension, which are currently assigned for development, back to the community for a much needed Town Park in the area before there is no land left.

Ordered to lie on the Table.

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

\* \* \* \* \*

**MICKELHAM ROAD AND SOMERTON ROAD INFRASTRUCTURE** — Ms Patten presented a Petition bearing 1,166 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

**3 PAPERS** —

**CHILDREN'S COURT OF VICTORIA REPORT, 2018-19** — Ms Tierney presented, by command of the Governor, the Children's Court of Victoria Report, 2018-19.

Report ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT OF VICTORIA REPORT, 2018-19** — Ms Tierney presented, by command of the Governor, the Magistrates' Court of Victoria Report, 2018-19.

Report ordered to lie on the Table.

\* \* \* \* \*

**SUPREME COURT OF VICTORIA REPORT, 2017-19** — Ms Tierney presented, by command of the Governor, the Supreme Court of Victoria Report, 2017-19.

Report ordered to lie on the Table.

\* \* \* \* \*

**JUDICIAL COLLEGE OF VICTORIA REPORT, 2018-19** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2018-19.

Question — put and agreed to.

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

**JUDICIAL COMMISSION OF VICTORIA REPORT, 2018-19** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial Commission of Victoria Report, 2018-19.

Question — put and agreed to.

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

\* \* \* \* \*

**PROFESSIONAL STANDARDS COUNCILS REPORT, 2018-19** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Professional Standards Councils Report, 2018-19.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Coroners Court of Victoria — Report, 2018-19.

Criminal Organisations Control Act 2012 — Report, 2018-19 by Victoria Police pursuant to section 133.

Judicial College of Victoria — Minister's report of receipt of the 2018-19 report.

Judicial Commission of Victoria — Minister's report of receipt of the 2018-19 report.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Reports, 2018-19.

Murray Valley Winegrape Industry Development Committee — Minister's report of receipt of the 2018-19 report, together with an explanation for the delay.

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

Ballarat, Corangamite, Golden Plains, Hepburn and Moorabool Planning Schemes — Amendment GC146.

Baw Baw Planning Scheme — Amendment C133.

Professional Standards Council Victoria — Minister's report of receipt of the 2018-19 report.

Rail Safety National Law Application Act 2013 — Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019 under section 12 of the Act.

Terrorism (Community Protection) Act 2003 — Report, 2018-19 by Victoria Police pursuant to section 37F.

Victorian Equal Opportunity and Human Rights Commission — 2018 report on the operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

**4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 26 November 2019.

Question — put and agreed to.

**5 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Mrs McArthur be a participating member of the Standing Committee on Environment and Planning.

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 207, be postponed until later this day.

**8 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 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.

\* \* \* \* \*

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

- **Yarraville level crossing** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Monday, 18 November 2019.
- **VicForests video – native timber** — substantive question asked by Mr O'Donohue — response from Ms Symes due Monday, 18 November 2019.
- **Leadbeater's Possum – native timber industry** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 18 November 2019.
- **Commercial passenger vehicle safety** — substantive question asked by Mr Barton — response from Ms Pulford due Monday, 18 November 2019.

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

**11 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019** — Question, That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; 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 Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Erdogan and Ms Garrett)*

NOES, 13

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

*(Tellers: Ms Bath and Ms Lovell)*

Question 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.

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, 26

Mr Barton; Mr Bourman; 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: Ms Maxwell and Ms Vaghela)*

NOES, 13

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

*(Tellers: Mr Finn and Mr Limbrick)*

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.

- 12 JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS 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 O'Donohue and Ms Maxwell were circulated.  
Question — put and agreed to.  
Bill committed to a Committee of the whole.  
House in Committee.  
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 13 JUSTICE LEGISLATION AMENDMENT (CRIMINAL APPEALS) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.  
Question — put.  
The Council divided — The President in the Chair.  
AYES, 34  
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; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(Tellers: Dr Kieu and Mr Rich-Phillips)  
NOES, 5  
Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.  
(Tellers: Mr Hayes and Dr Ratnam)  
Question 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.
- 14 WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Occupational Health and Safety Act 2004 to provide for offences of workplace manslaughter and to provide for the establishment of the Workplace Incidents Consultative Committee, to amend the Workplace Injury Rehabilitation and Compensation Act 2013 in relation to the Board of Management of the Victorian WorkCover Authority and to make consequential amendments to certain other Acts 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 Mr Rich-Phillips, the debate was adjourned for one week.
- 15 ENERGY SAFETY LEGISLATION AMENDMENT (VICTORIAN ENERGY SAFETY COMMISSION AND OTHER MATTERS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 and the Energy Safe Victoria Act 2005 in relation to Energy Safe Victoria and certain classes of electrical work and to make consequential and related amendments to certain other Acts 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 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 Mr Rich-Phillips, the debate was adjourned for one week.

**16 TRANSPORT LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010, the Road Safety Act 1986, the Accident Towing Services Act 2007, the Heavy Vehicle National Law Application Act 2013, the Road Management Act 2004 and the Transport (Compliance and Miscellaneous) Act 1983, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

**17 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 6.40 p.m., adjourned until Tuesday, 26 November 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 41, 42 and 43

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### **BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019**

*Committed Tuesday, 12 November 2019*

*Amendments circulated: Mr Quilty (see p. 306).*

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; 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; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Barton and Ms Maxwell)*

NOES, 22

Mr Bourman; 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 Stitt and Ms Taylor)*

Question negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 13** — put and agreed to.

**Clause 14** — Mr Quilty moved suggested Amendment Nos. 2 to 5.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; 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; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Atkinson and Ms Crozier)*

NOES, 22

Mr Bourman; 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 Mikakos and Ms Shing)*

Question negatived.

Clause 14 — put and agreed to.

**Clauses 15 to 28** — put and agreed to.

**Bill reported without amendment.**

**STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019***Committed Thursday, 14 November 2019***Clauses 1 and 2** — no question put pursuant to Standing Order 14.15(2).**Clauses 3 to 7** — put and agreed to.**Clause 8** — Question — That clause 8 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

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 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 Melhem)*

NOES, 14

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

*(Tellers: Mr Barton and Mr Quilty)*

Question agreed to.

**Clauses 9 to 11** — put and agreed to.**Clauses 12 to 14** — no question put pursuant to Standing Order 14.15(2).**Clause 15** — put and agreed to.**Clauses 16 and 17** — no question put pursuant to Standing Order 14.15(2).**Clause 18** — put and agreed to.**Clauses 19 and 20** — no question put pursuant to Standing Order 14.15(2).**Clauses 21 and 22** — put and agreed to.**Clause 23** — no question put pursuant to Standing Order 14.15(2).**Clauses 24 to 31** — put and agreed to.**Bill reported without amendment.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS)  
BILL 2019***Committed Thursday, 14 November 2019**Amendments circulated: Ms Maxwell (see pp. 306-7) and Mr O'Donohue (see p. 307).***Clause 1** — Ms Maxwell moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

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

*(Tellers: Mr Finn and Ms Patten)*

## NOES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Jennings and Ms Pulford)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 26** — put and agreed to.

**Clause 27** — Question — That clause 27 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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 Garrett and Mr Melhem)*

## NOES, 14

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

*(Tellers: Mr Grimley and Ms Maxwell)*

Question agreed to.

**Clauses 28 to 30** — put and agreed to.

**Clause 31** — Mr O'Donohue moved Amendment No. 3.

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; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Dr Cumming and Mr Limbrick)*

## NOES, 22

Mr Barton; 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: Mr Meddick and Ms Terpstra)*

Question negatived.

Clause 31 — put and agreed to.

**Clauses 32 to 51** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019***Amendments circulated by Mr Quilty*

1. Clause 9, page 5, line 8, omit "it is proved that".
2. **Suggested amendment to the Legislative Assembly—**  
Clause 14, page 10, line 3, omit "(1)".
3. **Suggested amendment to the Legislative Assembly—**  
Clause 14, page 10, lines 12 to 22, omit all words and expressions on these lines.
4. **Suggested amendment to the Legislative Assembly—**  
Clause 14, page 10, line 23, omit "(e)" and insert "(c)".
5. **Suggested amendment to the Legislative Assembly—**  
Clause 14, page 10, lines 27 to 35, omit all words and expressions on these lines.
6. **Suggested amendment to the Legislative Assembly—**  
Clause 15, page 12, line 31, omit 'required.'" and insert "required."
7. **Suggested amendment to the Legislative Assembly—**  
Clause 15, page 12, after line 31 insert—  
'(2D) Subsections (2A) to (2C) expire on the fourth anniversary of the commencement of section 15 of the **Building Amendment (Cladding Rectification) Act 2019**.'".
8. **Suggested amendment to the Legislative Assembly—**  
Clause 25, omit this clause.

**2. JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS) BILL 2019***Amendments circulated by Ms Maxwell*

1. Clause 1, page 2, after line 21 insert—  
"(iva) to require the Secretary to notify victims of a crime committed by a prisoner after an award of damages is made to the prisoner; and".
2. Insert the following New Clauses to follow clause 38—  
**NEW CLAUSES**  
**"38A Section 104X substituted**  
For section 104X of the **Corrections Act 1986** substitute—  
**"104X Secretary to notify victim of award of damages to prisoner**  
(1) The Secretary must give written notice to a victim in relation to a criminal act by a prisoner of an award of damages to the prisoner as soon as practicable after the amount of damages is paid to the Secretary under section 104V.  
(2) A notice under subsection (1) must comply with section 104Y(2).  
(3) The Secretary need not give notice under subsection (1) to a victim who has requested that notice not be given under this section."  
**38B Notice to victims published**  
In section 104Y(1) of the **Corrections Act 1986**, for "The Secretary" substitute "In addition to the requirements of section 104X, the Secretary".  
**38C Section 104Z repealed**

Section 104Z of the **Corrections Act 1986** is repealed.

**38D Applications for information**

- (1) In the heading to section 104ZA of the **Corrections Act 1986**, after "for" insert "further".
- (2) In section 104ZA(1) of the **Corrections Act 1986**, for "information" substitute "further information".

**38E Disclosure of information by Secretary authorised**

In section 104ZB of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" substitute "104X, 104Y or 104ZA".

**38F Confidentiality of information**

In section 104ZC of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" substitute "104X, 104Y or 104ZA".

**38G Offence to disclose information**

In section 104ZD of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" (wherever occurring) substitute "104X, 104Y or 104ZA".

Amendments circulated by Mr O'Donohue

1. Clause 27, omit this clause.

NEW CLAUSE

2. Insert the following New Clause before clause 28—

**"27 New section 47DA inserted**

For section 47DA of the **Corrections Act 1986** substitute—

**"47DA Offence for prisoner to send letters or parcels to victim without consent**

A prisoner must not send or cause to be sent, or attempt to send or cause to be sent, a letter or parcel to a victim who is not listed in section 47(1)(m) if the prisoner knows, or ought reasonably to know, that the victim, or any other victim who might reasonably receive the letter or parcel, has not explicitly consented to receiving it.

Penalty: 6 months imprisonment.".

3. Clause 31, page 22, after line 10 insert—

"(5A) Before section 61(3) of the **Corrections Act 1986** insert—

"(2B) At least **one** of the members of the Board appointed under paragraph (2)(d) must be a person representing the interests of victims.".







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 44, 45 and 46

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#### 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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY ACT 2017 REFORMS** — Pursuant to Standing Order 23.29, Mr Elasmr 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 Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.

\* \* \* \* \*

**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.  
\* \* \* \* \*
- 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.

\* \* \* \* \*

**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 Elasmir; 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

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### 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.**

\* \* \* \* \*

**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".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 47, 48 and 49

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#### No. 47 — Tuesday, 4 February 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **SITTING OF THE COUNCIL** — Mr Jennings moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on —
  - (1) Wednesday, 5 February 2020, to commence **at 9.30 a.m.** and precedence to be given to the consideration of a motion moved, without leave or notice, by the Leader of the Government relating to the 2019-2020 Bushfires, followed by a one-hour suspension and —
    - (a) upon the resumption of the sitting the following order of business on that day will be —
      - (i) a statement by the President relating to the late Honourable Kenneth Wright, followed by a minute's silence;
      - (ii) a statement by the President relating to the White Island (NZ) volcano eruption, followed by a minute's silence;
      - (iii) Messages;
      - (iv) Formal Business;
      - (v) Members' Statements (up to 15 Members);
      - (vi) Questions;
      - (vii) Answers to Questions on Notice;
      - (viii) Constituency Questions;
      - (ix) General Business (maximum 2 hours);
      - (x) Statements on reports, papers and petitions (30 minutes);
      - (xi) Adjournment (up to 20 Members);
    - (b) notices of motion for General Business on Wednesday, 5 February 2020, be permitted to be moved, debated and put on the same day, without leave, provided any such notice is given to the Clerk by 4.00 p.m. on Tuesday, 4 February 2020, and the Clerk shall advise all Members of any notice submitted;
    - (c) in relation to any private members' bill introduced and read a first time on Wednesday, 5 February 2020, the second reading debate may be made an order of the day for later that day, without leave or notice;
    - (d) on Wednesday, 5 February 2020, a motion by leave, may be moved by a non-Government Member in relation to the precedence of General Business for the sitting week;
  - (2) Thursday, 6 February 2020, to commence **at 9.30 a.m.** and that the order of business on that day will be —

- (a) Messages;
- (b) Formal Business;
- (c) Members' Statements (up to 15 Members);
- (d) General Business (maximum 3 hours);
- (e) **At 12.00 noon** Questions;
- (f) Answers to Questions on Notice;
- (g) Constituency Questions;
- (h) General Business (continues);
- (i) Government Business;
- (j) **At 6.30 p.m.** Meal break (unless otherwise ordered by the House);
- (k) Government Business (continues); and
- (l) **At 10.00 p.m.** Adjournment (up to 20 Members).

Question — put and agreed to.

- 3 THE LATE HONOURABLE JOHN CAIN** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 23 December 2019, of the Honourable John Cain, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Bundoora from 1976 to 1992, Minister responsible for Women's Affairs from 1982 to 1990, Minister for Federal Affairs in 1982, Attorney-General from 1982 to 1983, Minister for Ethnic Affairs in 1990 and Premier of Victoria from 1982 to 1990.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 4 ADJOURNMENT** — Mr Jennings moved, by leave, That as a further mark of respect to the memory of the late Honourable John Cain, the House adjourn until tomorrow.

Question — put and agreed to.

And then the Council, at 2.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 48 — Wednesday, 5 February 2020

- 1** The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 2019-2020 BUSHFIRES** — Pursuant to a resolution of the House of 4 February 2020, Mr Jennings moved, That this House —
- (1) extends its condolences to the families and loved ones of the five people lost in Victoria's recent bushfires;
  - (2) further extends its condolences to the families and loved ones of the people recently lost in the New South Wales, South Australia and Australian Capital Territory fires;
  - (3) notes the far-reaching impact on communities, wildlife and the natural environment;
  - (4) praises the courage and commitment of all firefighters, emergency services personnel and first responders in protecting our state;
  - (5) shows its gratitude to the community members and organisations who have helped in this great time of need;
  - (6) thanks the national and international community for their support; and
  - (7) vows to stand with all individuals and communities who were, and continue to be, affected by the bushfires as they rebuild and recover.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Pursuant to the Resolution of the House of 4 February 2020, as a further mark of respect, the sitting was suspended for one hour.

*[Sitting suspended from 4.03 p.m. until 5.07 p.m.]*

**3 THE LATE HONOURABLE KENNETH IRVING MACKENZIE WRIGHT OAM —**

The President advised the House of the death on 14 December 2019 of the Honourable Kenneth Irving Mackenzie Wright OAM, Member of the Legislative Council for the North Western Province from 1973 to 1992 and Deputy President from 1983 to 1985 and 1988 to 1992.

Members stood in their places as a mark of respect to the memory of the late Honourable Kenneth Wright.

**4 WHITE ISLAND VOLCANO TRAGEDY —** The President expressed the House's deepest sympathy and sincere condolences to the people of New Zealand and to the many families and friends who lost loved ones in the White Island volcano eruption.

Members stood in their places as a mark of respect to the memory of the victims.

**5 ASSENT TO ACTS —** The President read a Message from the Governor informing the Council that she had, on 3 December 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Consumer Legislation Amendment Act 2019*

*Land (Revocation of Reservations) Act 2019*

*Transport Legislation Amendment Act 2019*

*Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019.*

**6 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL**

**2020 —** Ms Patten introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005 to provide for the continuation of out of home care to young people up to 20 years of age.*

On the motion of Ms Patten, the Bill was read a first time and, pursuant to an Order of the Council of 4 February 2020, ordered to be read a second time later this day.

**7 PAPERS —**

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE —** Pursuant to Standing Order 23.29, Mr Elasmr presented a Report from the Economy and Infrastructure Committee on the Inquiry into the impact of animal rights activism on Victorian agriculture (including an Appendix, 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 Elasmr 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. 1 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**OMBUDSMAN — WORKSAFE 2: FOLLOW-UP INVESTIGATION INTO THE MANAGEMENT OF COMPLEX WORKERS COMPENSATION CLAIMS —** Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims, December 2019.

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**OMBUDSMAN — INVESTIGATION OF MATTERS REFERRED FROM THE LEGISLATIVE ASSEMBLY ON 8 AUGUST 2018 —** Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an investigation of matters referred from the Legislative Assembly on 8 August 2018, December 2019.

**BUDGET UPDATE 2019-20** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Victorian Budget Update, 2019-20.

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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:

Crown Land (Reserves) Act 1978 —

Minister's Determination of 19 November 2019 of their intention to grant a lease at Albert Park Reserve.

Minister's Order of 4 September 2019 giving approval to the granting of a licence at Lynch's Bridge Historical Precinct Reserve.

Minister's Order of 12 October 2019 giving approval to the granting of a lease at Old Springfield Cheese Factory Reserve.

Minister's Order of 9 November 2019 giving approval to the granting of a lease at Lynch's Bridge Historical Precinct Reserve.

Minister's Orders of 10 November 2019 giving approval to the granting of leases at — Market Street Melbourne Reserve.

Sandringham Beach Park Reserve.

Minister's Orders of 13 November 2019 giving approval to the granting of leases at — Cape Paterson Foreshore Reserve.

Grantville Foreshore Reserve.

Minister's Order of 19 November 2019 giving approval to the granting of lease at Elsternwick Park Reserve.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2019, pursuant to section 303 of the Act.

Emergency Management Act 1986 — Report to Parliament on the declaration of the State of Disaster, pursuant to section 23(7) of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 71/2019 and 112/2019 to 114/2019.

Major Events Act 2009 — Major Sporting Event Order of 23 December 2019 for the 2020 and 2021 Australian Open Tennis Tournaments, under section 22 of the Act.

Murray-Darling Basin Authority — Report, 2018-19.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contributions Levies — Report, 2018-19, pursuant to section 46GZJ of the Act.

Notices of approval of the following amendments to planning schemes —

Alpine, Alpine Resorts, Benalla, Colac Otway, Corangamite, Indigo, Mansfield, Moira, Moyne, Southern Grampians, Strathbogie, Towong, Wangaratta and Warrnambool Planning Schemes — GC138.

Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes — GC98.

Banyule, Manningham and Nillumbik Planning Schemes — Amendment GC119.

Baw Baw, Cardinia and Latrobe Planning Schemes — Amendment GC124.

Bayside Planning Scheme — Amendments C172 and C173.

Boroondara Planning Scheme — Amendments C322, C324 and C326.

Brimbank Planning Scheme — Amendment C215.

Cardinia Planning Scheme — Amendments C255 and C260.

Casey Planning Scheme — Amendments C198, C229, C260, C262 and C272.

Casey Planning Scheme and Greater Dandenong Planning Scheme — Amendment GC136.

Colac Otway, Corangamite, Greater Geelong, Moyne, Surf Coast and Warrnambool Planning Schemes — Amendment GC121.

Frankston and Mornington Peninsula Planning Schemes — Amendment GC127.

Frankston Planning Scheme — Amendment C134.

Glen Eira Planning Scheme — Amendment C203.

Glenelg Planning Scheme — Amendment C102.

Greater Bendigo Planning Scheme — Amendments C226 and C249.

- Greater Geelong Planning Scheme — Amendments C367, C404, C405 and C407.  
Greater Shepparton Planning Scheme — Amendment C211.  
Hume Planning Scheme — Amendments C230, C235, C241 and C242.  
Kingston Planning Scheme — Amendment C185.  
Knox Planning Scheme — Amendment C183.  
Latrobe Planning Scheme — Amendment C105.  
Loddon Planning Scheme — Amendment C41.  
Macedon Ranges Planning Scheme — Amendments C117 and C130.  
Mansfield Planning Scheme — Amendment C42.  
Maribyrnong Planning Scheme — Amendment C147.  
Melbourne Planning Scheme — Amendments C352 and C367.  
Melton Planning Scheme — Amendments C172, C195 and C203.  
Mitchell Planning Scheme — Amendments C124 and C148.  
Monash Planning Scheme — Amendment C160.  
Moonee Valley Planning Scheme — Amendment C201.  
Moreland Planning Scheme — Amendments C188, C194, C197 and C198.  
Mornington Peninsula Planning Scheme — Amendments C190, C206, C257 and C268.  
Moyne Planning Scheme — Amendment C65.  
Nillumbik Planning Scheme — Amendment C119.  
Port Phillip Planning Scheme — Amendment C185.  
Queenscliffe Planning Scheme — Amendments C31 and C34.  
Southern Grampians Planning Scheme — Amendment C56.  
Stonnington Planning Scheme — Amendments C282, C290 and C299.  
Surf Coast Planning Scheme — Amendments C123 and C132.  
Victoria Planning Provisions — Amendments VC158 and VC165.  
Whittlesea Planning Scheme — Amendments C234, C235 and C242.  
Yarra Planning Scheme — Amendments C268, C274 and C276.  
Yarra Ranges Planning Scheme — Amendment C188.
- Statutory Rules under the following Acts of Parliament —
- Accident Towing Services Act 2007 — Nos. 139/2019, 148/2019 and 169/2019.  
Assisted Reproductive Treatment Act 2008 — No. 115/2019.  
Building Act 1993 — No. 116/2019.  
Bus Safety Act 2009 — No. 165/2019.  
Children, Youth and Families Act 2005 — No. 161/2019.  
Commercial Passenger Vehicle Industry Act 2017 — Nos. 162/2019 and 166/2019.  
Conservation, Forests and Lands Act 1987 — Nos. 2/2020 and 3/2020.  
County Court Act 1958 — Nos. 126/2019 and 142/2019.  
EastLink Project Act 2004 — No. 149/2019.  
Education and Training Reform Act 2006 — No. 134/2019.  
Electricity Safety Act 1998 — Nos. 112/2019, 113/2019 and 114/2019.  
Essential Services Commission Act 2001 — Nos. 127/2019 and 128/2019.  
Evidence Act 2008 — No. 111/2019.  
Fisheries Act 1995 — Nos. 163/2019 and 164/2019.  
Forests Act 1958 — No. 130/2019.  
Freedom of Information Act 1982 — No. 155/2019.  
Greenhouse Gas Geological Sequestration Act 2008 — No. 119/2019.  
Health Practitioner Regulation National Law (Victoria) Act 2009 — No. 141/2019.  
Heavy Vehicle National Law Application Act 2013 — No. 170/2019.  
Independent Broad-based Anti-corruption Commission Act 2011 — No. 158/2019.  
Livestock Disease Control Act 1994 — No. 1/2020.  
Local Government Act 1989 — No. 156/2019.  
Magistrates' Court Act 1989 — No. 144/2019.  
Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 143/2019.  
Marine Safety Act 2010 — No. 146/2019.  
Melbourne City Link Act 1995 — No. 150/2019.

- Mineral Resources (Sustainable Development) Act 1990 — Nos. 137/2019 and 138/2019.
- Ombudsman Act 1973 — No. 157/2019.
- Prevention of Cruelty to Animals Act 1986 — No. 133/2019.
- Public Health and Wellbeing Act 2008 — Nos. 135/2019 and 4/2020.
- Public Interest Disclosures Act 2012 — No. 159/2019.
- Racing Act 1958 — No. 147/2019.
- Rail Safety National Law Application Act 2013 — No. 117/2019.
- Road Management Act 2004 — Nos. 151/2019 and 152/2019.
- Road Safety Act 1986 — Nos. 120/2019, 121/2019, 153/2019, 154/2019 and 172/2019.
- Service Victoria Act 2018 — No. 132/2019.
- Subordinate Legislation Act 1994 — Nos. 129/2019 and 136/2019.
- Supreme Court Act 1986 — Nos. 122/2019, 123/2019 and 125/2019.
- Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 124/2019.
- Tobacco Act 1987 — No. 131/2019.
- Tourist and Heritage Railways Act 2010 — No. 167/2019.
- Transport (Compliance and Miscellaneous) Act 1983 — Nos. 118/2019, 168/2019 and 171/2019.
- Transport Integration Act 2010 — No. 173/2019.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 145/2019.
- Victorian Inspectorate Act 2011 — No. 160/2019.
- Water Act 1989 — No. 140/2019.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 109/2019, 112/2019 to 173/2019, 1/2020 and 3/2020.
- Legislative instruments and related documents under section 16B in respect of —
- Minister's Notice of 12 November 2019 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration under the City of Greater Geelong Act 1993.
- Minister's Notice of 12 November 2019 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration under the City of Melbourne Act 2001.
- Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 2/2019 for or with respect to the use of work-related parliamentary allowances and the Electorate Office and Communications Budget, 20 December 2019, under section 36 of the Act.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Building Amendment (Cladding Rectification) Act 2019 — Sections 1, 2, 3, 4(1), 9, 10, 27 and 28 — 17 December 2019 — Remaining Provisions — 1 January 2020 (*Gazette No. S537, 17 December 2019*).
- Children Legislation Amendment Act 2019 — Part 7 — 10 December 2019 (*Gazette No. S496, 3 December 2019*).
- Consumer Legislation Amendment Act 2019 — Part 2, Part 3, Part 8 and Part 9 — 18 December 2019 (*Gazette No. S537, 17 December 2019*).
- Essential Services Commission Amendment (Governance, Procedural and Administrative Improvements) Act 2019 — 6 December 2019 (*Gazette No. S496, 3 December 2019*).
- Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 — Part 2 and Schedule 1 — 31 December 2019 (*Gazette No. S537, 17 December 2019*).
- Justice Legislation Amendment (Criminal Appeals) Act 2019 — Divisions 2, 3, and 4 of Part 3 and Part 4 — 4 December 2019 (*Gazette No. S496, 3 December 2019*).



Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 14(2), 16, 22, 24, 25, 27 and 31 — 10 December 2019 (*Gazette No. S514, 10 December 2019*).

Marine and Fisheries Legislation Amendment Act 2019 — Sections 10, 11 and 16 — 18 December 2019 — Sections 12, 13, 15 and Part 5 — 1 January 2020 — Remaining Provisions — 1 February 2020 (*Gazette No. S537, 17 December 2019*).

Parliamentary Committees Amendment Act 2019 — Section 7 — 30 December 2019 (*Gazette No. S537, 17 December 2019*).

Primary Industries Legislation Amendment Act 2019 — Sections 8, 11(2), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 39, 51, 55, 56 and 57 and Parts 1, 3, 6, 8, 9, 11 and 14 — 17 December 2019 (*Gazette No. S537, 17 December 2019*).

Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019 — Whole Act — 2 December 2019 (*Gazette No. S480, 26 November 2019*).

Transport Legislation Amendment Act 2019 — Divisions 1, 2 and 4 of Part 2, Subdivisions 1, 2 and 4 of Division 5 of Part 2, Section 64, Division 7 of Part 2 (except Sections 66(2) and 67), Remaining Provisions of Part 3, Part 4, Part 5, Part 6 and Part 7 and Schedule 1 (except items 1(e) and 159), Schedule 2, Schedule 3 (except item 28) and Schedule 4 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Water and Catchment Legislation Amendment Act 2019 — Sections 5(8), 83, 86, 89 and 96 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019 — Part 1 and Part 3 — 1 January 2020 (*Gazette No. S537, 17 December 2019*).

**8 PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS** — The Clerk laid on the Table a letter from the Attorney-General, dated 11 December 2019, in response to the Resolution of the Council of 27 November 2019, relating to bushfire fuel load maps, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business later this day and on Thursday, 6 February 2020 —

- (1) Order of the Day made this day, second reading of the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020;
- (2) Notice of Motion No. 229 standing in the name of Mr Davis in relation to a joint select committee inquiry into the 2019-20 Bushfires;
- (3) Notice of Motion No. 230 standing in the name of Mr Davis in relation to a regional sitting in North East Victoria this year;
- (4) Notice of Motion No. 231 standing in the name of Mr Hayes in relation to Casey City Council; and
- (5) Notice of Motion No. 232 standing in the name of Mr Davis in relation to the disallowance in part of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019.

Question — put and agreed to.

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

**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.

\* \* \* \* \*

**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:

- **Bush nursing centres – funding** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 6 February 2020.

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

**13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020** — 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.

**14 2019-20 BUSHFIRES JOINT SELECT COMMITTEE** — Mr Davis moved, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 30 November 2020, on the preparation for, co-ordination of, and implementation of the firefighting response to the 2019-20 bushfires in Gippsland and North East Victoria, including but not limited to, an examination of —
  - (a) all aspects of state government, department and agency actions, including —
    - (i) any relevant recent information or examples of bushfire response or preparation which, in the Committee's view, provide relevant lessons or learnings;
    - (ii) the volunteer and community response;
  - (b) the impacts on life and property and whether any could have been prevented by action before the bushfires;
  - (c) whether the response to the Victorian bushfires could have been improved, and if so, what lessons should be taken from these extensive and dangerous bushfires;
- (2) the Committee will make appropriate reference to the 2009 Victorian Bushfires Royal Commission's recommendations;
- (3) the Committee shall consist of —
  - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
  - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (4) a majority of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (8) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Debate ensued.

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

**15 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

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

**17 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 9.07 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 49 — Thursday, 6 February 2020**

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

**2 EQUAL OPPORTUNITY AMENDMENT (EQUALITY IN SCHOOLS) BILL 2020** — Dr Ratnam introduced *A Bill for an Act to amend the Equal Opportunity Act 2010 to provide that particular provisions of that Act do not permit religious schools to discriminate against certain persons on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.*

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

**3 PAPERS** —

**VICTORIAN GOVERNMENT ANNUAL REPORT 2019 ON THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Annual Report 2019 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crimes (Assumed Identities) Act 2004 — Reports, 2018-19, pursuant to section 31 by — the Independent Broad-based Anti-corruption Commission.  
Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2018-19, pursuant to section 42BI by Victoria Police.

Mental Health Act 2014 — Report by the Chief Psychiatrist on Electroconvulsive treatment for people in Victoria under the age of 18 years: 2014 – 2019, under section 145 of the Act.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to Orders under the Occupational Health and Safety Act 2004 approving the —

Hazardous manual handling compliance code.

Plant compliance code.

Noise compliance code.

Confined spaces compliance code.

Hazardous substances compliance code.

Demolition compliance code.

Excavation compliance code.

Prevention of falls in general construction compliance code.

Prevention of falls in housing construction compliance code.

Managing asbestos in workplaces compliance code.

Removing asbestos in workplaces compliance code.

Documents under section 15 in respect of Statutory Rule No. 2.

Legislative instruments and related documents under section 16B in respect of a Minister's Order of 8 December 2019 approving the variation of compliance codes under the Workplace Injury Rehabilitation and Compensation Act 2013.

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 18 February 2020.

Question — put and agreed to.

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

**6 REGIONAL SITTING IN NORTH EAST VICTORIA** — Ms Lovell (for Mr Davis) moved, That this House —

- (1) acknowledges the serious impact of the recent Victorian bushfires;
- (2) meets and sits in North East Victoria for one day in October or November 2020;
- (3) requires the President and the Clerk of the Legislative Council to consult with Towong Shire Council, Alpine Shire Council, Indigo Shire Council, the Rural City of Wangaratta and Wodonga Council and other Parliamentary staff in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in North East Victoria in October or November 2020.

Debate ensued.

Question — put and agreed to.

**7 CASEY CITY COUNCIL** — Mr Hayes moved, That this House urges the Victorian Government to act on the Independent Broad-based Anti-corruption Commission's findings of serious corruption at Casey City Council by —

- (1) dismissing the Casey City Council and holding democratic elections for a new Council as soon as possible;
- (2) introducing legislation to ban donations to political parties, sitting politicians and state and municipal candidates made by property developers and associated entities, in line with New South Wales and Queensland legislation; and
- (3) ensuring that property developers cannot provide direct or indirect financial support or gifts to members of Parliament, Councillors, planning staff or their families.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 4 February 2020 —*

**8 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:

- **Air monitoring in Western Melbourne** — substantive and supplementary questions asked by Dr Cumming — response from Mr Jennings due Monday, 10 February 2020.
- **West Gate Tunnel soil contamination** — substantive question asked by Mr Finn — response from Mr Jennings due Monday, 10 February 2020.
- **North Richmond Community Health Centre** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Friday, 7 February 2020.

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

**10 CASEY CITY COUNCIL** — Debate continued on the question, That this House urges the Victorian Government to act on the Independent Broad-based Anti-corruption Commission's findings of serious corruption at Casey City Council by —

- (1) dismissing the Casey City Council and holding democratic elections for a new Council as soon as possible;
- (2) introducing legislation to ban donations to political parties, sitting politicians and state and municipal candidates made by property developers and associated entities, in line with New South Wales and Queensland legislation; and
- (3) ensuring that property developers cannot provide direct or indirect financial support or gifts to members of Parliament, Councillors, planning staff or their families.

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

Question — That the motion be agreed to — put.

The Council divided — The President in the Chair.

AYES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Tellers: Mr Hayes and Mr Meddick)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; 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; 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: Mr Erdogan and Ms Taylor)*

Question negatived.

*Business having been interrupted at the conclusion of 3 hours of General Business pursuant to an Order of the Council of 4 February 2020 —*

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

**12 MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Ms Wooldridge moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has demonstrated to Victorians that —

- (1) the significant tax increases proposed by the Bill, and for which no mandate was sought at the 2018 election, can be justified;
- (2) the excessive fee increases proposed by this Bill for the various habitat types, including 26.4 per cent for the Golden Sun Moth, 19.3 per cent for Native Vegetation, and 19.3 per cent for Scattered Trees, will not result in higher purchase prices for homebuyers; and
- (3) that all monies held in the proposed Melbourne Strategic Assessment Fund will be expended in a timely manner and not used to protect the bottom line of the state budget.”.

Debate ensued.

Question — That the reasoned amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

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

*(Tellers: Mr Finn and Mr Limbrick)*

## NOES, 24

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 Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Dr Kieu and Ms Patten)*

Question negatived.

Question — That the Bill be now read a second time — put and 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 an Order of the Council of 4 February 2020 —*

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On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to an Order of the Council of 4 February 2020, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment, 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, 23

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; 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 Meddick and Mr Melhem)*

## NOES, 14

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

*(Tellers: Mr Bourman 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.

- 13 GENDER EQUALITY BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to require the public sector, Councils and universities to promote gender equality, to take positive action towards achieving gender equality, to establish the Public Sector Gender Equality Commissioner 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 Ms Crozier, the debate was adjourned for one week.

- 14 ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to provide for immediate licence or permit suspensions in certain cases and to make consequential and related amendments to that Act and to make minor amendments to*

*the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Pulford), 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

**15 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 7.25 p.m., adjourned until Tuesday, 18 February 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 47, 48 and 49

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**MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019**

*Committed Thursday, 6 February 2020*

**Clauses 1 to 147** — put and agreed to.

**Schedules 1 and 2** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 50, 51 and 52

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#### No. 50 — Tuesday, 18 February 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 11 February 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020.*

- 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.

\* \* \* \* \*

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

- **Multipurpose taxi program** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 20 February 2020.
- **Rifles for Police** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 20 February 2020.
- **West Gate Tunnel contaminated soil** — substantive and supplementary questions asked by Mr Finn — response from Ms Mikakos due Thursday, 20 February 2020.
- **Water saving campaign** — substantive and supplementary questions asked by Mr Hayes — response from Ms Tierney due Thursday, 20 February 2020.

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

- 5 **PAPERS** —

**CITY OF CASEY MUNICIPAL MONITOR REPORT** — Mr Somyurek moved, by leave, That there be laid before this House a copy of the City of Casey Municipal Monitor Report, February 2020.

Question — put and agreed to.

The Report was presented by Mr Somyurek and ordered to lie on the Table and be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 2 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Australian Children’s Education and Care Quality Authority — Report, 2018-19.
- Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2019 (*Ordered to be published*).
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 135/2019 (*Gazette No. G5, 6 February 2020*).
- National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman — Report, 2018-19.
- Planning and Environment Act 1987 — Notices of approval of the following amendments to planning schemes —
  - Bayside Planning Scheme — Amendment C161 (Part 2).
  - Boroondara Planning Scheme — Amendment C312.
  - Hobsons Bay Planning Scheme — Amendment C113.
  - Melton Planning Scheme — Amendments C201 and C217.
  - Mildura Planning Scheme — Amendment C102.
  - Nillumbik Planning Scheme — Amendments C117 (Part 1) and C124.
  - Surf Coast Planning Scheme — Amendment C128.
  - Victoria Planning Provisions — Amendments VC160, VC168 and VC170.
- Statutory Rules under the following Acts of Parliament —
  - Public Health and Wellbeing Act 2008 — No. 5.
  - Road Safety Act 1986 — No. 7.
  - Transport (Compliance and Miscellaneous) Act 1983 — No. 6.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 4 to 7.
  - Legislative instruments and related documents under section 16B in respect of —
    - Minister’s Notice of 18 December 2019 of Temporary Qualification of Rights in the Broken System 2019 under the Water Act 1989.
    - Minister’s Order of 4 February 2020 revoking the Declaration of Common Wombats to be Unprotected Wildlife under the Wildlife Act 1975.
  - Guidelines pursuant to section 26 of the Act.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Children Legislation Amendment Act 2019 — Sections 3(2), 9 and 10 and Parts 4 and 5 — 17 February 2020 (*Gazette No. S49, 4 February 2020*).
- Justice Legislation Amendment (Serious Offenders and Other Matters) Act 2019 — Sections 19(1), 21, 22, 23, 24, 25, 26, 27, 28 and 29 — 31 January 2020 (*Gazette No. S37, 29 January 2020*).

**6 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Wednesday, 19 February 2020 —

- (1) Order of the Day No. 2, second reading of the Summary Offences Amendment (Move-On Laws) Bill 2019;
- (2) Notice of Motion No. 233 standing in the name of Dr Cumming referring a matter to the Environment and Planning Committee relating to air pollution;
- (3) Notice of Motion No. 204 standing in the name of Dr Cumming in relation to the reinvestment of gambling revenue in Western Metropolitan Melbourne;
- (4) Notice of Motion No. 232 standing in the name of Mr Davis in relation to the partial disallowance of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019;
- (5) Order of the Day No. 25, resumption of debate on a motion to establish a joint select committee inquiry into the 2019-20 Bushfires;
- (6) Notice of Motion No. 235 standing in the name of Mr Davis in relation to fuel load maps;
- (7) Order of the Day No. 1, resumption of debate on the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020; and

(8) Notice of Motion No. 162 standing in the name of Ms Patten referring matters relating to petitions to the Procedure Committee.

Question — put and agreed to.

**7 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Mr Jennings moved, by leave, That —

(1) Ms Terpstra be discharged from the Economy and Infrastructure Standing Committee; and

(2) Mr Erdogan be appointed to the Economy and Infrastructure Standing Committee.

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. 196 to 207, be postponed until later this day.

**10 MESSAGE FROM ASSEMBLY — JOINT STANDING ORDER** — Mr Jennings moved, by leave, That the Council agrees with the Assembly and resolves, That the following new Joint Standing Order 25 take effect immediately —

**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 that a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**11 ENERGY SAFETY LEGISLATION AMENDMENT (VICTORIAN ENERGY SAFETY COMMISSION AND OTHER MATTERS) 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 LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Casey City Council and to provide for a general election for that Council 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.

Pursuant to Standing Order 14.34, Mr Jennings declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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.

Debate ensued.

Amendments proposed to be moved in Committee by Mr Hayes 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 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

- 14 BUILDING AND ENVIRONMENT PROTECTION 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, 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.

- 15 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 5.53 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 51 — Wednesday, 19 February 2020

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

- 2 **PETITIONS** —

**BUILD ROADS, NOT BARRIERS** — Mrs McArthur presented a Petition bearing 4,309 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Roads to abandon the proposed wire-rope barrier installation along the Princes Highway, and instead duplicate the highway in accordance with the justification provided in the 1972 compulsory land acquisition.

Ordered to lie on the Table.

\* \* \* \* \*

**TREE PLANTING IN NEW URBAN DEVELOPMENTS** — Dr Ratnam presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council pass new laws on urban development so that all new building developments in the metropolitan regions of Melbourne are accompanied by tree-planting to green our streets.

Ordered to lie on the Table.

- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, June to December 2019.

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

- 5 **SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2019** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

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

**6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — HEALTH IMPACTS OF AIR POLLUTION** — Dr Cumming moved, That this House —

- (1) notes that air pollution —
- (a) is a national environmental and public health issue;
  - (b) costs up to \$22 billion each year and contributes to 4,880 deaths nationwide each year;
  - (c) contributes to many preventable respiratory, cardiovascular and neurological diseases;
  - (d) effects are more pronounced in vulnerable groups, including children and the elderly;
- (2) further notes that —
- (a) Victoria is positioned to take progressive, practical actions in minimising the impact of air pollution on all Victorians health and well-being;
  - (b) empowering Victorians to reduce air pollution is possible with minimal economic cost or significant amendment to current legislation;
- (3) recognises —
- (a) the development of the Victorian Air Quality Strategy;
  - (b) that new environment protection legislation will enable the Victorian Environment Protection Authority (EPA) a broader reach in tackling air pollution;
  - (c) the collaboration of leading medical and health researchers;
- (4) requires the Environment and Planning Committee to inquire into, consider and report, by 29 October 2020, on actions to minimise the health impacts of air pollution, including, but not limited to —
- (a) state-wide practical, real-time, cost-effective mitigation strategies;
  - (b) ensuring that Victorian air quality continues to track towards meeting or exceeding current international best practice standards and is enforced;
  - (c) the impact of economic and population growth on air pollution and health outcomes;
  - (d) strengthening commitments across all Victorian Government portfolios to reduce air pollution and minimise the impact on health; and
  - (e) any other related matters.

Debate ensued.

Question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 204, be postponed until later this day.

**8 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE** — Mr Rich-Phillips moved (for Mr Davis), That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

*Business having been interrupted at 12 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.

\* \* \* \* \*

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

- **Road side drug testing** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Thursday, 20 February 2020.

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

**11 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE** — Debate continued on the question, That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to

section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

*The Deputy 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, 16

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

*(Tellers: Ms Patten and Mr Rich-Phillips)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Melhem and Ms Stitt)*

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, and Notice of Motion, General Business, No. 235, be postponed until later this day.

**13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

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

**14 PROCEDURE COMMITTEE — PETITION REFORM** — Ms Patten moved, by leave, in an amended form, That this House —

(1) recognises that —

- (a) the ability to petition the Parliament is a right of all Victorian citizens;
- (b) petitions are the only way an individual or group of citizens can directly place grievances before the Parliament;
- (c) petitions provide an important tool for improving community engagement with the political process;

(2) notes that —

- (a) a petition is a citizen's request for action, however once a copy of the petition has been referred to a Minister by the Clerk, no further action is required, which is a flaw in the parliamentary system of democracy;
- (b) the Australian House of Representatives has a Standing Committee on Petitions which receives and processes petitions on behalf of the House and is able to inquire into and report on matters relating to petitions following their tabling;
- (c) the process for petitions in the Victorian Parliament requires urgent reform;

(3) requires the Procedure Committee to inquire into, consider and report, by 20 August 2020, on any Sessional Order or Standing Order changes that would provide reform of petitions, including appropriate procedures to require the —

- (a) Minister, or Minister representing the relevant Minister in the Legislative Assembly, to table a written response to a petition within 14 days of it being tabled in the Legislative Council;
- (b) Legislative Council to debate the issue raised in a petition upon reaching a certain threshold of petitioners that is to be fixed by the House;

and calls on the Government to implement petition reform no later than 1 January 2021.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Patten.*

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



**16 ADJOURNMENT** — Ms Pulford 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 6.19 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 52 — Thursday, 20 February 2020

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

2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 19 February 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Local Government (Casey City Council) Act 2020.*

3 **PETITIONS** —

**PAINTBALL GAMES FACILITY, GEORGES CREEK** — Mr Bourman presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Legislative Council call on Towong Shire Council to reconsider the recent paintball games facility at Georges Creek application and work together to allow the applicants to provide a venue that is beneficial to the wider community.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN NATIVE TIMBER INDUSTRY** — Mr Bourman presented a Petition bearing 388 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its decision to shut down the Victorian native timber industry, save these critical regional jobs and proactively work with industry into the future.

Ordered to lie on the Table.

\* \* \* \* \*

**CEASE LOGGING IN STATE FORESTS** — Dr Ratnam presented a Petition bearing 633 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease logging of state forest areas in Kinglake and the Central Highlands by July 2020, assist employees and contractors who work directly in the native forest logging industry to transition to related industries, including plantation timber industry and forest restoration work, and offer compensation to workers to exit the industry.

Ordered to lie on the Table.

4 **PAPER PURSUANT TO A STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Family Violence Protection Act 2008 — Report on implementation of the Family Violence Risk Assessment and Management Framework, 2018-19.

5 **PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS** — The Clerk laid on the Table a letter from the Attorney-General, dated 19 February 2020, in response to the Resolution of the Council of 27 November 2019 relating to bushfire fuel load maps, making a claim of Executive Privilege in full in relation to three of the four documents identified and noting that the fourth document will not be released as it is already in the public domain.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

6 **SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 3 March 2020.

Question — put and agreed to.

- 7 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO EXPANDING MELBOURNE'S FREE TRAM ZONE** — Mr Elasmар moved, by leave, That the Resolution of the Council of 5 June 2019 requiring the Economy and Infrastructure Committee to inquire into and report, within 12 months, on Melbourne's public transport, be amended so as to now require the Committee to present its report by 1 September 2020.

Question — put and agreed to.

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Elasmар moved, by leave, That the Resolutions of the Council of 5 June 2019 and 13 August 2019 requiring the Economy and Infrastructure Committee to inquire into and report, by 1 July 2020, on the increase in the Victorian road toll in 2019, be amended so as to now require the Committee to present its report by 17 November 2020.

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. 196 to 207, be postponed until later this day.

- 11 GENDER EQUALITY BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

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

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

\* \* \* \* \*

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

- **Renewable energy targets** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Monday, 24 February 2020.
- **Stamp duty** — substantive and supplementary questions asked by Mr Quilty — response from Mr Jennings due Monday, 24 February 2020.

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

- 14 GENDER EQUALITY BILL 2019** — 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, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmар; 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; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

*(Tellers: Ms Garrett and Ms Stitt)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Tellers: Mr Limbrick and Mr Quilty)*

Question 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.

Ms Mikakos 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, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; 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; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Ms Terpstra and Ms Vaghela)

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 without amendment.

**15 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Forests Act 1958, the Sustainable Forests (Timber) Act 2004 and the Conservation, Forests and Lands Act 1987 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 Mr Davis (for Mr Rich-Phillips), the debate was adjourned for one week.

**16 GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to recognise the importance of the landscapes and seascapes along the Great Ocean Road to the economic prosperity and liveability of Victoria and as one living and integrated natural entity for the purposes of protecting the region, to establish a Great Ocean Road Coast and Parks Authority to which various land management responsibilities are to be transferred and to make related and consequential amendments to other Acts 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 Mr Davis (for Ms Wooldridge), the debate was adjourned for one week.

**17 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Evidence Act 2008, the Evidence (Miscellaneous Provisions) Act 1958, the Local Government Act 1989, the Magistrates' Court Act 1989, the Oaths and Affirmations Act 2018, the Professional Standards Act 2003, the Sentencing Act*

1991 and the Supreme Court Act 1986 and for other purposes and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Tierney), 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 Mr Davis (for Mr O'Donohue), the debate was adjourned for one week.

**18 OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Owners Corporations Act 2006, the Retirement Villages Act 1986 and the Subdivision Act 1988 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 Mr Davis (for Mr Rich-Phillips), the debate was adjourned for one week.

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

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On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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**19 LOCAL GOVERNMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Dr Ratnam, the debate was adjourned until the next day of meeting.

**20 ADJOURNMENT** — Mr Jennings 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 7.20 p.m., adjourned until Tuesday, 3 March 2020.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 50, 51 and 52

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### LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020

*Committed Tuesday, 18 February 2020*

*Amendments circulated: Mr Hayes (p. 363), Dr Cumming (p. 363)*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Mr Hayes moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

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

*(Tellers: Mr Grimley and Ms Patten)*

NOES, 28

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan;  
Mr Finn; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur;  
Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Pulford; 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 Ms Wooldridge)*

Question negated.

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

Dr Cumming moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

*(Tellers: Dr Cumming and Mr Hayes)*

NOES, 27

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

*(Tellers: Mrs McArthur and Ms Taylor)*

Question negated.

Clause 10 — put and agreed to.

**Bill reported without amendment.**

**GENDER EQUALITY BILL 2019***Committed Thursday, 20 February 2020**Amendments circulated: Ms Crozier (pp. 363-6)***Clause 1** — Ms Crozier moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

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

NOES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley;  
 Mr Jennings; Mr Hayes; 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 Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
*(Tellers: Ms Taylor and Ms Patten)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 47** — put and agreed to.**Clause 48** — Ms Crozier moved Amendment No. 67.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp;  
 Mr Jennings; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos;  
 Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Taylor;  
 Ms Terpstra; Ms Tierney; Ms Vaghela.  
*(Tellers: Mr Elasmarr and Ms Tierney)*

Question negated.

Clause 48 — put and agreed to.

**Clause 49** — Ms Crozier moved Amendment No. 68 — put and negated.

Clause 49 — put and agreed to.

**Clauses 50 to 56** — put and agreed to.**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020***Amendment circulated by Mr Hayes*

Clause 10, line 18, omit "on the fourth Saturday in October 2024" and insert "no later than the fourth Saturday in October 2021".

*Amendment circulated by Dr Cumming*

Clause 10, line 18, omit "on the fourth Saturday in October 2024" and insert "no later than the fourth Saturday in March 2023".

**2. GENDER EQUALITY BILL 2019***Amendments circulated by Ms Crozier*

1. Clause 1, line 9, omit "services; and" and insert "services."
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
3. Clause 3, lines 13 to 15, omit all words and expressions on these lines.
4. Clause 12, line 4, omit "Commissioner" and insert "Secretary".
5. Clause 12, line 7, omit "Commissioner" and insert "Secretary".
6. Clause 12, line 9, omit "Commissioner" and insert "Secretary".
7. Clause 12, line 14, omit "Commissioner" and insert "Secretary".
8. Clause 13, line 26, omit "Commissioner" and insert "Secretary".
9. Clause 13, line 32, omit "Commissioner" and insert "Secretary".
10. Clause 14, line 12, omit "**Commissioner**" and insert "**Secretary**".
11. Clause 14, line 14, omit "Commissioner" and insert "Secretary".
12. Clause 14, line 16, omit "Commissioner" and insert "Secretary".
13. Clause 14, line 17, omit "Commissioner" and insert "Secretary".
14. Clause 14, line 19, omit "Commissioner" and insert "Secretary".
15. Clause 15, line 27, omit "Commissioner" and insert "Secretary".
16. Clause 15, line 30, omit "Commissioner" and insert "Secretary".
17. Clause 19, line 4, omit "Commissioner" and insert "Secretary".
18. Clause 19, line 7, omit "Commissioner" and insert "Secretary".
19. Clause 19, line 9, omit "Commissioner" and insert "Secretary".
20. Clause 20, line 20, omit "**Commissioner**" and insert "**Secretary**".
21. Clause 21, line 25, omit "**Commissioner**" and insert "**Secretary**".
22. Clause 21, line 27, omit "Commissioner" and insert "Secretary".
23. Clause 22, line 3, omit "Commissioner" and insert "Secretary".

24. Clause 22, line 5, omit "Commissioner" and insert "Secretary".
25. Clause 22, line 27, omit "Commissioner" and insert "Secretary".
26. Clause 23, line 8, omit "Commissioner's" and insert "Secretary's".
27. Clause 23, line 16, omit "Commissioner" and insert "Secretary".
28. Clause 23, line 29, omit "Commissioner" and insert "Secretary".
29. Clause 24, line 6, omit "Commissioner" and insert "Secretary".
30. Clause 24, line 9, omit "Commissioner" and insert "Secretary".
31. Clause 25, line 22, omit "Commissioner's" and insert "Secretary's".
32. Clause 25, line 26, omit "Commissioner's" and insert "Secretary's".
33. Clause 26, line 31, omit "Commissioner" and insert "Secretary".
34. Clause 26, page 21, line 6, omit "Commissioner" and insert "Secretary".
35. Clause 26, page 21, line 9, omit "Commissioner's" and insert "Secretary's".
36. Clause 27, line 16, omit "Commissioner" and insert "Secretary".
37. Clause 27, line 20, omit "Commissioner" and insert "Secretary".
38. Clause 27, line 23, omit "Commissioner" and insert "Secretary".
39. Clause 27, line 28, omit "Commissioner" and insert "Secretary".
40. Clause 27, line 32, omit "Commissioner" and insert "Secretary".
41. Clause 27, line 34, omit "Commissioner" and insert "Secretary".
42. Part heading preceding clause 28, omit this heading.
43. Division heading preceding clause 28, omit this heading.
44. Clause 28, omit this clause.

#### NEW CLAUSE

45. Insert the following New Clause before clause 29—

#### **"28 Delegation**

The Secretary may delegate, by instrument, any power of the Secretary under this Act, other than this power of delegation, to any person who is employed under the **Public Administration Act 2004** and has the necessary skills to exercise that power."

46. Clause 29, omit this clause.
47. Clause 30, omit this clause.
48. Clause 31, omit this clause.
49. Clause 32, omit this clause.
50. Clause 33, omit this clause.
51. Clause 34, omit this clause.
52. Clause 35, omit this clause.
53. Division heading preceding clause 36, omit this heading.
54. Clause 36, omit this clause.



55. Clause 37, omit this clause.
56. Division heading preceding clause 38, omit this heading.
57. Clause 38, omit this clause.
58. Clause 39, omit this clause.
59. Clause 40, omit this clause.
60. Clause 41, omit this clause.
61. Clause 42, omit this clause.
62. Division heading preceding clause 43, omit this heading.
63. Clause 43, omit this clause.
64. Clause 44, omit this clause.
65. Clause 45, omit this clause.
66. Clause 46, omit this clause.
67. Clause 48, after line 29 insert—
  - "(3) The Treasurer or the Minister responsible for administering the **Financial Management Act 1994**, as the case requires, must ensure that guidelines issued under subsection (1) will not result in small businesses being discriminated against in relation to the allocation of funding or grants, or entering into service agreements.
  - (4) In particular, guidelines issued under subsection (1) must adequately reflect the constraints on small businesses in relation to matters including, but not limited to—
    - (a) the limited resources of small businesses to manage an additional administrative burden; and
    - (b) the typical size of the workforce of small businesses, which may not be sufficient to achieve broad workplace diversity; and
    - (c) the fact that small businesses in regional Victoria may not have access to workforce choice including in relation to recruitment to skilled positions or governance roles."
68. Clause 49, after line 10 insert—
  - "(3) The Minister responsible for administering the **Financial Management Act 1994** must ensure that guidelines issued under subsection (1) will not result in small businesses being discriminated against in procurement processes engaged in by defined entities.
  - (4) In particular, guidelines issued under subsection (1) must adequately reflect the constraints on small businesses in relation to matters including, but not limited to—
    - (a) the limited resources of small businesses to manage an additional administrative burden; and
    - (b) the typical size of the workforce of small businesses, which may not be sufficient to achieve broad workplace diversity; and
    - (c) the fact that small businesses in regional Victoria may not have access to workforce choice including in relation to recruitment to skilled positions or governance roles."
69. Clause 51, line 14, omit "Commissioner" and insert "Secretary".
70. Clause 51, line 16, omit "Commissioner" and insert "Secretary".
71. Clause 51, line 18, omit "Commissioner" and insert "Secretary".

## LONG TITLE

72. Long title, omit ", to establish the Public Sector Gender Equality Commissioner".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 53, 54 and 55

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#### No. 53 — Tuesday, 3 March 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that she had received from the Honourable Mary Wooldridge, on Friday, 28 February 2020, her written resignation as a Member of the Victorian Legislative Council.
- 3 **JOINT SITTING — CASUAL COUNCIL VACANCY** — Mr Davis moved, by leave, That —
  - (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 4 March 2020 at 6.15 p.m.; and
  - (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 4 March 2020 the Order of Business will be —
    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At **12 noon** Questions
    - Answers to Questions on Notice
    - General Business (continues)
    - At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
    - At **5.45 p.m.** Adjournment (up to 20 members).

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.
- 4 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 25 February 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Building and Environment Protection Legislation Amendment Act 2020*
  - Energy Safety Legislation Amendment (Victorian Energy Safety Commission and Other Matters) Act 2020*
  - Gender Equality Act 2020.*
- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**I COOK FOODS – CLOSURE REVIEW REPORT** — Ms Mikakos having given answers to a question without notice and supplementary question relating to I Cook Foods – closure review report —

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:

- **Historical criminal convictions – Indigenous children taken into care** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Thursday, 5 March 2020.
- **Wodonga – Melbourne rail line** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Pulford due Thursday, 5 March 2020.
- **I Cook Foods – closure review report** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 4 March 2020.

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

**7 PETITION — 2020 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 4,059 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to declare the 2020 duck hunting season based on the Game Management Authority's advice.

Ordered to lie on the Table.

**8 FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR AMENDMENT BILL 2020** — Mr O'Donohue introduced *A Bill for an Act to amend the Family Violence Reform Implementation Monitor Act 2016 to enhance the independence and role of the Family Violence Reform Implementation Monitor, 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.

**9 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 3 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO THREE COUNCILS' OUTSOURCING OF PARKING FINE INTERNAL REVIEWS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into three councils' outsourcing of parking fine internal reviews, February 2020.

On the motion of Mr Davis, the report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO A LEGISLATED SPENT CONVICTIONS SCHEME** — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Report on the Inquiry into a Legislated Spent Convictions Scheme.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Duties Act 2000 — Treasurer’s Report of Foreign Purchaser Additional Duty Exemptions for 1 July 2019 to 31 December 2019, under section 3E(3) of the Act.
- Gambling Regulation Act 2003 — Amendment to the Public Lottery Licence issued to Tattersall’s Sweeps Pty Ltd making changes to the game “Set for Life” on 11 February 2020, under section 5.3.19(4) of the Act.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 133/2019 (*Gazette No. S56, 6 February 2020*).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Bayside Planning Scheme — Amendment C167.
  - Casey Planning Scheme — Amendment C264.
  - Frankston Planning Scheme — Amendment C135.
  - Kingston Planning Scheme — Amendment C184.
  - Knox Planning Scheme — Amendment C179.
  - Manningham Planning Scheme — Amendment C129.
  - Maroondah Planning Scheme — Amendment C133.
  - Monash Planning Scheme — Amendment C154.
  - Victoria Planning Provisions — Amendment VC166.
  - Whitehorse Planning Scheme — Amendment C218.
- Statutory Rules under the following Acts of Parliament —
- Child Wellbeing and Safety Act 2005 — No. 12.
  - Family Violence Protection Act 2008 — Personal Safety Intervention Orders Act 2010 — No. 10.
  - Guardianship and Administration Act 2019 — No. 11.
  - Mental Health Act 2014 — No. 9.
  - National Parks Act 1975 — No. 8.
  - Sale of Land Act 1962 — No. 13.
  - Tobacco Act 1987 — No. 14.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in relation to an Order under the Occupational Health and Safety Act 2004 approving the Managing exposure to crystalline silica: Engineered stone compliance code.
  - Documents under section 15 in respect of Statutory Rule Nos. 8 to 10 and 12.
  - Legislative instruments and related documents under section 16B in respect of —
    - Determination of Specifications for Wheelchair Accessible Commercial Passenger Vehicles of 11 February 2020 under the Commercial Passenger Vehicle Industry Act 2017.
    - Notice of Approval of Victorian Commercial Passenger Vehicle Code of Practice Part 2: Meeting your safety duties of 11 February 2020 under the Commercial Passenger Vehicle Industry Act 2017.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Consumer Legislation Amendment Act 2019 — Remaining Provisions of Division 1 of Part 5 — 2 March 2020 (*Gazette No. S91, 25 February 2020*).
- Guardianship and Administration Act 2019 — Part 1 and Section 195 — 28 February 2020 (*Gazette No. S91, 25 February 2020*).

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 4 March 2020 —

- (1) Order of the Day No. 1, second reading of the Family Violence Reform Implementation Monitor Amendment Bill 2020;
- (2) the notice of motion given this day by Mr Finn in relation to soil contamination from the West Gate Tunnel project;
- (3) Notice of Motion No. 243 standing in the name of Dr Ratnam referring a matter to the Environment and Planning Committee relating to renewable energy;

- (4) the notice of motion given this day by Dr Ratnam in relation to Council land rezoning;
- (5) the notice of motion given this day by Mr Davis in relation to the production of documents relating to the Melbourne Airport Rail Link Strategic Business Case; and
- (6) the notice of motion given this day by Mr Ondarchie in relation to landfill levy charges.

Question — put and agreed to.

**11 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY —**

The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday, 4 March 2020 at 6.15 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge.

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

**13 BUSINESS POSTPONED —** Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

**14 LOCAL GOVERNMENT BILL 2019 —** Debate resumed on the question, That the Bill be now read a second time.

Dr Ratnam moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until the Government has addressed the significant concerns about the incomplete nature of the Bill, including —

- (1) the potential recommendations from the current IBAC investigation into allegations of corrupt conduct in the City of Casey;
- (2) the anti-democratic mandating of single member wards and removal of multi-member ward options for councils;
- (3) the lack of political donations reform for local councils such as donation caps, greater transparency of donations and a ban on donations from property developers and the gambling industry;
- (4) the ongoing Ratings System Review, which once complete will require further amendments to the legislation governing local councils; and
- (5) making the draft Regulations publicly available, given the enormous amount of detail left to the Regulations."

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis and Mr Somyurek were circulated.

Question — That the reasoned amendment moved by Dr Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 7

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Hayes and Mr Meddick*)

NOES, 31

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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.  
(*Tellers: Mr Bourman and Mr Melhem*)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

## AYES, 29

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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.

(Tellers: Mr Erdogan and Mrs McArthur)

## NOES, 7

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

(Tellers: Mr Limbrick and Ms Patten)

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 —*

Mr Somyurek 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 Tierney 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.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 4 MARCH 2020

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

Ms Mikakos moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

## AYES, 23

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

(Tellers: Dr Kieu and Ms Vaghela)

## NOES, 14

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

(Tellers: Ms Bath and Mr Ondarchie)

Question agreed to.

Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill ordered to be further considered in Committee of the whole later this day.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 3.01 a.m., adjourned until later this day.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 54 — Wednesday, 4 March 2020

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

2 **PETITION — EXTEND LAUNCHING WAY BOAT RAMP MANAGEMENT CONTRACT** — Mr Limbrick presented a Petition bearing 1,267 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Water, the Hon Lisa Neville MP, to extend the contract of operation for Launchingway Pty Ltd until a new plan approved by the fishing and boating community is implemented.

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:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 11.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in September 2019.

Victorian Inspectorate Reports on controlled operations records and reports, 2018-19 for —

Department of Environment, Land, Water and Planning, pursuant to section 74P of the Wildlife Act 1975.

Game Management Authority, pursuant to section 74P of the Wildlife Act 1975.

Independent Broad-based Anti-corruption Commission, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

Victorian Fisheries Authority, pursuant to section 131T of the Fisheries Act 1995.

Victoria Police, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

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

5 **FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR AMENDMENT BILL 2020** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

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

6 **SOIL CONTAMINATION FROM WEST GATE TUNNEL PROJECT** — Mr Finn moved, That this House opposes any decision by the Andrews Labor Government, or its agencies, to dump toxic soil from the West Gate Tunnel project into the Wyndham Vale rail stabling yard as it is situated close to houses, local community infrastructure and the Werribee River.

Debate ensued.

*The 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, 18

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips.

*(Tellers: Mr Meddick and Mr O'Donohue)*



## NOES, 19

Mr Elasmr; Mr Erdogan; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Ms Garrett and Ms Terpstra)

Question negatived.

## 7 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — RENEWABLE ENERGY —

Dr Ratnam moved, That this House —

(1) notes —

- (a) the catastrophic and unprecedented 2019-20 bushfire season that has devastated Victorian communities, causing loss of life, homes, wildlife and habitat;
- (b) that this summer has been the hottest summer on record in Victoria, with severe impacts on vulnerable people, communities, the Victorian economy and wildlife;

(2) acknowledges that —

- (a) extreme weather events, such as the 2019-20 bushfire season and intense heat waves, are the climate change impacts we are now experiencing in Victoria due to a one degree increase in global temperatures;
- (b) for Victoria to do our share in meeting Australia's Paris Agreement commitment to limit global warming below 1.5 degrees, we must significantly and rapidly reduce greenhouse gas emissions;

(3) requires the Environment and Planning Committee to inquire into, consider and report, by October 2021, on —

- (a) measures to enable Victoria to transition its energy supply to 100 per cent renewable energy;
- (b) jobs and economic benefits and implications of Victoria transitioning to 100 per cent renewable energy;
- (c) investment, both public and private, required to achieve 100 per cent renewable energy generation in Victoria, including investment in grid infrastructure and energy storage;
- (d) further opportunities for Victoria to reduce emissions, including through finding alternatives to industrial and household gas consumption;
- (e) government investment or action that would be needed to support workers in impacted industries to facilitate a just transition and ensure workers and communities are not left behind as Victoria transitions to 100 per cent renewable energy;
- (f) the economic risks of not urgently reducing emissions by transitioning to 100 per cent renewable energy; and
- (g) any other related matters.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 3 March 2020 —*

## 8 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.

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

## 10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — RENEWABLE ENERGY —

Debate continued on the question, That this House —

(1) notes —

- (a) the catastrophic and unprecedented 2019-20 bushfire season that has devastated Victorian communities, causing loss of life, homes, wildlife and habitat;
- (b) that this summer has been the hottest summer on record in Victoria, with severe impacts on vulnerable people, communities, the Victorian economy and wildlife;

(2) acknowledges that —

- (a) extreme weather events, such as the 2019-20 bushfire season and intense heat waves, are the climate change impacts we are now experiencing in Victoria due to a one degree increase in global temperatures;
  - (b) for Victoria to do our share in meeting Australia's Paris Agreement commitment to limit global warming below 1.5 degrees, we must significantly and rapidly reduce greenhouse gas emissions;
- (3) requires the Environment and Planning Committee to inquire into, consider and report, by October 2021, on —
- (a) measures to enable Victoria to transition its energy supply to 100 per cent renewable energy;
  - (b) jobs and economic benefits and implications of Victoria transitioning to 100 per cent renewable energy;
  - (c) investment, both public and private, required to achieve 100 per cent renewable energy generation in Victoria, including investment in grid infrastructure and energy storage;
  - (d) further opportunities for Victoria to reduce emissions, including through finding alternatives to industrial and household gas consumption;
  - (e) government investment or action that would be needed to support workers in impacted industries to facilitate a just transition and ensure workers and communities are not left behind as Victoria transitions to 100 per cent renewable energy;
  - (f) the economic risks of not urgently reducing emissions by transitioning to 100 per cent renewable energy; and
  - (g) any other related matters.

Question — put.

The Council divided — The President in the Chair.

AYES, 27

Mr Barton; Dr Cumming; Mr Elasmir; Mr Erdogan; 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: Mr Erdogan and Ms Taylor*)

NOES, 11

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

Question agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 266, be postponed until later this day.

**12 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, by Wednesday, 18 March 2020, the Melbourne Airport Rail Link Strategic Business Case, or similar, commissioned by the federal and state governments and prepared by Advisian for Transport for Victoria and handed to the Government in August 2018, together with supporting commissioned studies and examinations on options and routes for a rail link to Melbourne Airport.

Debate ensued.

Question — put and agreed to.

**13 LANDFILL LEVY CHARGES** — Mr Ondarchie moved, That this House expresses its concern at the impact on Victorian household budgets of the Government's planned significant increase in landfill levy charges.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 3 March 2020, the debate stood adjourned in the name of Ms Terpstra.*

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

**15 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 6.14 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 55 — Thursday, 5 March 2020

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

**2 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 4 March 2020 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge and that Dr Matthew Bach was elected to hold the vacant place in the Legislative Council.

**3 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Dr Matthew Bach, having been introduced, approached the Table and took and subscribed the Oath required by law.

**4 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — The Clerk laid on the Table 64 documents in full and one document in part, along with schedules of the documents identified in response to the Resolution of the Council of 1 May 2019 relating to GJK Facility Services.

The Clerk further laid on the Table a letter from the Attorney-General, dated 4 March 2020, advising that these documents are the second and final tranche of documents that will be provided, satisfying the revised categories of documents set out in Attachment A of the Attorney-General's letter of 30 May 2019.

**5 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Planning and Environment Act 1987 — Infrastructure Contributions and Development Contribution Levies — Report, 2018-19, pursuant to section 46GZJ of the Act.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 17 March 2020.

Question — put and agreed to.

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

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

**9 LOCAL GOVERNMENT BILL 2019** — Bill further considered in Committee of the whole.  
*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.

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:

- **Outsourcing of fine reviews – potential liability** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Friday, 6 March 2020.
- **Phillip Island bus services** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Tuesday, 10 March 2020.
- **Youth mental health services** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Tuesday, 10 March 2020.

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

**12 LOCAL GOVERNMENT BILL 2019** — Bill further considered in Committee of the whole.

*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.

Bill reported with amendments, the Report was adopted.

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

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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.  
(*Tellers: Mr Erdogan and Ms Maxwell*)

NOES, 7

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Limbrick and Ms Patten*)

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.

**13 CRIMES AMENDMENT (MANSLAUGHTER AND RELATED OFFENCES) BILL 2020** —

The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create a new offence of homicide by firearm, to clarify the relationship between certain offences and to increase the maximum penalties for certain offences, to consequentially amend that Act and to make consequential and related amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**14 HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 and the Ambulance Services Act 1986 to provide for directions relating to the vaccination of persons employed or engaged by certain hospitals, health service establishments and ambulance services and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 15 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 and the Electricity Industry Act 2000 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 16 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Project Development and Construction Management Act 1994, the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 17 ROAD SAFETY AND OTHER 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 Mr O'Donohue, Ms Patten and Mr Quilty were circulated.

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

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

Debate continued.

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

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

Debate continued.

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

Ms Pulford moved, That the sitting be extended.

Debate ensued, by leave.

Question — put and agreed to.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 6 MARCH 2020

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, 37

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Ms Garrett; 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 Stiitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Shing and Dr Kieu)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Tellers: Mr Limbrick and Mr Quilty)*

Question agreed to.

Bill read a second time.

*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, by leave, That it be an instruction to the Committee that they have the power to consider amendments and a New Clause to amend the *Road Safety Act 1986* to remove a defence to a charge of driving a motor vehicle while impaired by a drug.

Question — put and agreed to.

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

Mr Quilty moved, by leave, That it be an instruction to the Committee that they have the power to consider a New Clause to amend the *Road Safety Act 1986* to provide that certain offences against that Act and the Road Rules do not apply in certain cases where one vehicle is exceeding the speed limit to pass another vehicle.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

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

Debate ensued.

And then the Council, at 2.28 a.m., adjourned until Tuesday, 17 March 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 53, 54 and 55

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### LOCAL GOVERNMENT BILL 2019

*Committed Tuesday, 3 March 2020*

*Amendments circulated: Mr Davis (pp. 388-92), Mr Quilty (p. 392), Dr Ratnam (SR20C, SR21C, SR22C and SR24C) (pp. 392-9) and Mr Somyurek (pp. 399-402)*

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

**Clause 1** — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

*(Tellers: Ms Mikakos and Ms Symes)*

NOES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Tellers: Dr Cumming and Ms Patten)*

Question agreed to.

**Clause 2** — Mr Somyurek moved Amendment Nos. 1 to 7.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Maxwell and Mr Ondarchie)*

NOES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty.

*(Tellers: Mr Hayes and Mr Quilty)*

Question agreed to.

Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Rich-Phillips.

*(Tellers: Mr Hayes and Mr Quilty)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Mr Melhem and Ms Symes*)

Question negatived.

Mr Somyurek moved Amendment No. 8 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Limbrick; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Limbrick and Mr Quilty*)

NOES, 33

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Mr Melhem and Mr O'Donohue*)

Question negatived.

Mr Davis moved Amendment No. 2 — put and negatived.

Mr Somyurek moved Amendment No. 9 — put and agreed to.

Dr Ratnam moved Amendment Nos. 1 and 2 (*SR24C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.  
(*Tellers: Mr Grimley and Mr Meddick*)

NOES, 28

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Ms Bath and Ms Garrett*)

Question negatived.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 7** — put and agreed to.

**Clause 8** — Dr Ratnam moved Amendment No. 1 (*SR21C*).

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 Ms Patten*)

NOES, 32

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.  
(*Tellers: Ms Pulford and Mr Quilty*)

Question negatived.

Mr Davis moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 10

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

NOES, 26

Mr Barton; Mr Elasmarr; Mr Erdogan; 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 Symes*)

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 12** — put and agreed to.

**Clause 13** — Dr Ratnam moved Amendment No. 1 (*SR20C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.  
(*Tellers: Ms Patten and Dr Ratnam*)

NOES, 29

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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.  
(*Tellers: Dr Kieu and Ms Taylor*)

Question negatived.

Mr Somyurek moved Amendment No. 10 — put and agreed to.

Mr Somyurek moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Erdogan and Mr Melhem)*

NOES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Tellers: Ms Patten and Dr Ratnam)*

Question agreed to.

Mr Davis moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Bath; 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.

*(Tellers: Ms Maxwell and Mrs McArthur)*

NOES, 20

Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; 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 Meddick and Ms Taylor)*

Question negated.

Clause 13, as amended — put and agreed to.

**Clause 14** — put and agreed to.

**Clause 15** — Mr Somyurek moved Amendment No. 12 — put and agreed to.

Clause 15, as amended — put and agreed to.

**Clause 16** — Dr Ratnam moved Amendment No. 8 (SR20C).

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 Ms Patten)*

NOES, 32

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

*(Tellers: Mr Bourman and Mr Jennings)*

Question negated.

Mr Somyurek moved Amendment No. 13 — put and agreed to.

Mr Somyurek moved Amendment No. 14 — put and agreed to.

Clause 16, as amended — put and agreed to.

**Clauses 17 to 20** — put and agreed to.

**New Clauses** — Mr Somyurek moved Amendment No. 15.

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

**Clauses 21 to 42** — put and agreed to.

**Clause 43** — Mr Somyurek moved Amendment No. 16 — put and agreed to.

Mr Davis moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Tellers: Ms Bath and Mr Rich-Phillips)*

NOES, 22

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; 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 Meddick and Ms Tierney)*

Question negatived.

Clause 43, as amended — put and agreed to.

Mr Somyurek moved, That the Deputy President report progress and seek leave to sit again.

Question — put and agreed to.

**Progress reported.**

**Thursday, 5 March 2020** —

*Progress having been reported on Wednesday, 4 March 2020, Bill further considered in Committee of the whole.*

**Clauses 44 to 59** — put and agreed to.

**Clause 60** — Mr Somyurek moved Amendment No. 17 — put and agreed to.

Dr Ratnam moved Amendment No. 2 (SR21C) — put and negatived.

Clause 60, as amended — put and agreed to.

**Clause 61** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 7.

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

**Clauses 62 to 78** — put and agreed to.

**Clause 79** — Dr Ratnam moved Amendment No. 4 (SR21C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Mr Quilty; Dr Ratnam.

*(Tellers: Mr Limbrick and Mr Meddick)*

NOES, 33

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

*(Tellers: Ms Patten and Ms Stitt)*

Question negatived.

Clause 79 — put and agreed to.

**Clauses 80 to 223** — put and agreed to.

**Clause 224** — Mr Somyurek moved Amendment Nos. 18 to 24 — put and agreed to.

Clause 224, as amended — put and agreed to.

**Clause 225** — Mr Somyurek moved Amendment Nos. 25 to 28 — put and agreed to.

Clause 225, as amended — put and agreed to.

**Clause 226** — Mr Somyurek moved Amendment Nos. 29 to 35 — put and agreed to.

Clause 226, as amended — put and agreed to.

**Clause 227** — Mr Somyurek moved Amendment No. 36 — put and agreed to.

Clause 227, as amended — put and agreed to.

**Clauses 228 to 239** — put and agreed to.

**Clause 240** — Dr Ratnam moved Amendment Nos. 5 and 6.

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

Mr Davis moved Amendment Nos. 8 and 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Tellers: Ms Bath and Mr Quilty)*

NOES, 23

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

*(Tellers: Ms Stitt and Ms Taylor)*

Question negatived.

Clause 240 — put and agreed to.

**Clauses 241 to 255** — put and agreed to.

**Clause 256** — Mr Somyurek moved Amendment Nos. 37 and 38 — put and agreed to.  
Clause 256, as amended — put and agreed to.

**Clauses 257 to 261** — put and agreed to.

**Clause 262** — Dr Ratnam moved Amendment Nos. 19 to 24 (*SR21C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Meddick and Mr Quilty*)

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis;  
Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu;  
Mr Leane; Ms Lovell; Ms Maxwell; 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.  
(*Tellers: Dr Kieu and Ms Tierney*)

Question negated.

Mr Somyurek moved Amendment No. 39 — put and agreed to.

Clause 262, as amended — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 20.

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

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis;  
Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue;  
Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.  
(*Tellers: Mr Finn and Mr Ondarchie*)

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu;  
Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford;  
Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra;  
Ms Tierney; Ms Vaghela.  
(*Tellers: Mr Erdogan and Dr Kieu*)

Question negated.

**Clauses 263 to 325** — put and agreed to.

**Clause 326** — Dr Ratnam moved Amendment No. 25 (*SR21C*) — put and negated.

Mr Somyurek moved Amendment No. 40 — put and agreed to.

Clause 326, as amended — put and agreed to.

**Clauses 327 to 362** — put and agreed to.

**Clause 363** — Mr Somyurek moved Amendment Nos. 41 to 43 — put and agreed to.

Clause 363, as amended — put and agreed to.

**Clause 364** — put and agreed to.

**Heading and New Clause** — Dr Ratnam moved Amendment Nos. 34 and 35 (*SR21C*).

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

**Clauses 365 to 391** — put and agreed to.

**Schedule 1** — Mr Somyurek moved Amendment Nos. 44 to 47 — put and agreed to.

Schedule 1, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019**

*Committed Friday, 6 March 2020*

*Amendments circulated: Mr O'Donohue (p. 402), Ms Patten (pp. 402-3) and Mr Quilty (p. 403)*

**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, 37

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

*(Tellers: Mr Elasmarr and Ms Shing)*

Question negatived.

Ms Patten moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**New Clause** — Mr O'Donohue moved Amendment No. 1.

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

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Tellers: Dr Bach and Mrs McArthur)*

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Mr Erdogan and Mr Hayes)*

Question negatived.

**Clauses 4 to 6** — put and agreed to.

**Clause 7** — Mr O'Donohue moved Amendment Nos. 2 to 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Tellers: Ms Maxwell and Mr O'Donohue)*

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Mr Elasmarr and Ms Symes)*

Question negatived.

Mr O'Donohue moved Amendment Nos. 7 and 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

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

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; 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: Dr Kieu and Ms Tierney)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 13** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LOCAL GOVERNMENT BILL 2019***Amendments circulated by Mr Davis*

1. Clause 2, page 3, line 19, after this line insert—

"(2A) Section 362A comes into operation on 1 June 2020."

2. Clause 3, page 6, line 24, after this line insert—

"(ha) information designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 66(2) and the Council has not passed a resolution that the information is not confidential;"

3. Clause 8, line 21, after this line insert—

"(5) It is not the role of a Council to advocate or campaign or adopt or implement a policy in relation to any matter that is not related to the functions and powers conferred on a Council by or under this Act or any other Act of Victoria.

(6) A Council decision made in contravention of subsection (5) is invalid.

(7) A Council must not use Council resources in contravention of subsection (5).

Penalty: 60 penalty units."

4. Clause 13, page 30, line 14, after this line insert—

"(7) The following Councils continue to be constituted in accordance with the **Local Government Act 1989** as in force immediately before the commencement of this section and subsections (1) to (6) of this section and section 15 do not apply—

- (a) Alpine Shire Council;
- (b) Ararat Rural City Council;
- (c) Bass Coast Shire Council;
- (d) Baw Baw Shire Council;
- (e) Benalla Rural City Council;
- (f) Borough of Queenscliffe;
- (g) Buloke Shire Council;
- (h) Campaspe Shire Council;
- (i) Central Goldfields Shire Council;
- (j) Colac Otway Shire Council;
- (k) Corangamite Shire Council;
- (l) East Gippsland Shire Council;
- (m) Gannawarra Shire Council;
- (n) Glenelg Shire Council;
- (o) Golden Plains Shire Council;
- (p) Greater Shepparton City Council;
- (q) Hepburn Shire Council;
- (r) Hindmarsh Shire Council;
- (s) Indigo Shire Council;
- (t) Loddon Shire Council;
- (u) Mansfield Shire Council;



- (v) Mitchell Shire Council;
- (w) Moira Shire Council;
- (x) Moorabool Shire Council;
- (y) Mount Alexander Shire Council;
- (z) Moyne Shire Council;
- (za) Murrindindi Shire Council;
- (zb) Northern Grampians Shire Council;
- (zc) Pyrenees Shire Council;
- (zd) South Gippsland Shire Council;
- (ze) Southern Grampians Shire Council;
- (zf) Strathbogie Shire Council;
- (zg) Swan Hill Rural City Council;
- (zh) Towong Shire Council;
- (zi) Wellington Shire Council;
- (zj) West Wimmera Shire Council;
- (zk) Yarriambiack Shire Council."

NEW CLAUSE

5. Insert the following New Clause to follow clause 20—

**"20A Office of Deputy Mayor**

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply."

6. Clause 43, line 24, after "committee" insert ", the Audit and Risk Committee, a Community Asset Committee or any other voluntary committee appointed by a Council,".

NEW CLAUSE

7. Insert the following New Clause to follow clause 61—

**"61A Call of the Council**

- (1) If a quorum of a Council cannot be formed or maintained due to the absence of Councillors, the Minister or the Chief Executive Officer may require all Councillors to attend a call of the Council meeting.
- (2) A call of the Council meeting is to be treated as a special meeting.
- (3) The Minister or a person appointed by the Minister is entitled to attend and speak at a call of the Council meeting which the Minister required Councillors to attend.
- (4) If a Councillor does not attend within 30 minutes after the time fixed for a call of the Council meeting or remain at the meeting the Chief Executive Officer must immediately advise the Minister in writing.
- (5) The Minister must advise the Councillor and the Council that—
  - (a) the Minister has received advice that the Councillor did not attend or remain at the call of the Council meeting; and
  - (b) any submissions may be made to the Minister within the period specified by the Minister.
- (6) If after considering any submissions from the Councillor and the Council the Minister is not satisfied that the Councillor had a reasonable excuse for not attending or remaining at the call of the Council meeting, the Minister may order

that as from the date specified in the order the Councillor is incapable of continuing to be a Councillor.

(7) The Minister must send a copy of the order to the Council and the Councillor."

8. Clause 240, lines 14 and 15, omit "under section 241 or 243(1)".
9. Clause 240, lines 18 and 19, omit "under section 242, 243(2) or 244".
10. Clause 240, page 219, lines 1 to 4, omit subclause (4).
11. Clause 240, page 219, lines 25 to 32 and page 220, lines 1 to 3, omit subclause (8).
12. Clause 240, page 220, lines 16 to 34, omit subclauses (11) and (12).
13. Clause 242, omit this clause.
14. Clause 243, omit this clause.

#### NEW CLAUSES

15. Insert the following New Clauses to follow clause 241—

##### **"242 Owner ratepayers entitled to be enrolled without application**

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
  - (a) is not a person referred to in section 241; and
  - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
  - (c) is the owner of any rateable property in the municipal district whether solely or jointly with any other person or persons; and
  - (d) is not a resident of the municipal district—
 is entitled as a ratepayer without application to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of subsection (1), only 2 joint owners are entitled to be enrolled in respect of each rateable property.
- (3) A person is not entitled to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) For the purposes of subsection (1), if it appears from the rate records of the Council that there are more than 2 owners of any rateable property, the Chief Executive Officer must enrol without application the 2 owners—
  - (a) whose names appear first on the rate records in relation to that rateable property when those names are read in the order in which they appear in those records; and
  - (b) who satisfy the requirements of paragraphs (b), (c) and (d) of subsection (1) in respect of that rateable property.
- (5) Despite subsection (4), if a written request containing the details required by the regulations is delivered to the Council office before the close of the roll requesting that the owner or 2 owners of the rateable property specified in the request be enrolled on the voters' roll instead of the owner or 2 owners that would otherwise be enrolled by virtue of subsection (4), the Chief Executive Officer must give effect to the request.
- (6) If a person is the owner of more than one rateable property in a municipal district, the person may by a written request containing the details required by the regulations delivered to the Council office before the close of the roll specify the location of the rateable property in respect of which the entitlement under this section is to be exercised.

- (7) If a person is the owner of more than one rateable property in a municipal district and the Council does not receive a written request under subsection (6), the Chief Executive Officer—
- (a) must choose one rateable property in respect of which the entitlement under this section is to be exercised; and
  - (b) may for the purposes of paragraph (a) choose the rateable property which has the highest capital improved value in the council valuation records at the close of the roll.

#### **243 Owner ratepayers may apply for enrolment**

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
- (a) is not a person referred to in section 241 or 242; and
  - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
  - (c) is an owner of any rateable property in the municipal district—
- is entitled as a ratepayer to apply to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of section 241(1) and subsection (1), only 2 joint owners can be enrolled in respect of each rateable property.
- (3) A person is not entitled to apply to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) A person who is enrolled on the voters' roll as an owner under this section may renew the enrolment by an application containing the details required by the regulations delivered to the Council office before the close of the roll for the next general election."

16. Clause 244, line 3, after "241" insert ", 242 or 243".

17. Clause 246, line 4, omit "242" and insert "243".

18. Clause 248, page 227, lines 30 to 34 and page 228, lines 1 to 4, omit subclause (2).

19. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—  
 "(b) attendance voting."

#### **NEW CLAUSE**

20. Insert the following New Clause to follow clause 362—

#### **"362A Amendment of section 158 of the Local Government Act 1989—waste charges**

After section 158(4B) of the **Local Government Act 1989** insert—

- "(4C) A Council must provide transparency of the waste component of general rates, service rates and service charges in the notice under subsection (4) by separating the waste charge on the notice under subsection (4).
- (4D) A Council must provide a statement with the rate notice under subsection (4) which specifies—
- (a) the total waste levy paid by the Council in the previous financial year;
  - (b) the estimated waste charges to be paid by the Council in the financial year to which the rate notice relates;
  - (c) the size of landfill levy payments estimated to be made in the financial year to which the notice relates;
  - (d) the amount per tonne of landfill levy to be paid in the financial year to which the notice relates;
  - (e) the amount in tonnes by waste stream estimated to be collected by the Council in the financial year to which the notice relates;

- (f) the name of the authority that will levy the landfill levy;
  - (g) the name of authority to which the payment of the landfill levy will be made;
  - (h) the total municipal cost and the average cost for each rateable property within the municipal district of the collection, management and administration of each of the four streams of household waste designated by the Government of Victoria, or of any other number of streams of household waste designated in the municipal district.
- (4E) A Council must publish a copy of the statement under subsection (4D) on its Internet website.
- (4F) A Council must publish equivalent information to that specified in subsection (4D) for business and commercial ratepayers on its Internet website.".

Amendment circulated by Mr Quilty

Clause 3, page 6, lines 16 to 24, omit all words and expressions on these lines.

Amendments circulated by Dr Ratnam (SR20C)

1. Clause 13, line 31, omit "subject to subsection (5)".
2. Clause 13, page 30, line 3, omit "divided." and insert "divided; or".
3. Clause 13, page 30, after line 3 insert—
  - "(c) all Councillors elected to represent multi member wards into which the municipal district is divided and divided so that an equal number of Councillors represents each ward; or
  - (d) Councillors elected to represent single member wards and multi member wards of different sizes into which the municipal district is divided."
4. Clause 13, page 30, lines 4 to 9, omit all words and expressions on those lines.
5. Clause 15, lines 21 and 22, omit all words and expressions on those lines and insert—
  - "(ii) that the Council is to be constituted in a manner specified in section 13(4)(a), (b), (c) or (d);".
6. Clause 15, line 27, omit "Council;" and insert "Council."
7. Clause 15, lines 28 to 34, omit all words and expressions on those lines.
8. Clause 16, lines 2 to 7, omit all words and expressions on those lines.
9. Clause 16, line 8, omit "subsections (13) and (14)" and insert "subsection (13)".
10. Clause 16, line 11, omit "or (c)".
11. Clause 16, lines 15 and 16, omit "If the Minister has established an electoral representation advisory panel, the" and insert "The".
12. Clause 16, after line 19 insert—
  - "(3A) If the Minister elects not to adopt the advice of the electoral representation advisory panel under subsection (3) for the purposes of recommending that an Order in Council be made under section 15, the Minister must give written reasons for not adopting the electoral representation advisory panel's advice and table those reasons in each House of Parliament on or before the third sitting day after electing not to adopt the advice."
13. Clause 16, lines 20 to 26, omit all words and expressions on those lines and insert—
  - "(4) Subject to subsection (6), an electoral representation advisory panel must be constituted by—

- (a) the Electoral Commissioner appointed under section 12 of the **Electoral Act 2002** or a person nominated by the Electoral Commissioner to represent the Electoral Commissioner on the electoral representation advisory panel; and
  - (b) any other person the Electoral Commissioner nominates to the Minister."
14. Clause 16, page 34, lines 27 to 29, omit "subject to the Minister first publishing a notice under section 13(5) in relation to a Council, or a specific type of Council,".
15. Clause 16, page 35, lines 27 to 30, omit all words and expressions on those lines.

**Amendments circulated by Dr Ratnam (SR21C)**

1. Clause 8, line 18, after "role" insert ", including by advocating the interests of the local community to other communities and governments".
2. Clause 60, page 72, line 21, after "Rules" insert "and that any amendments to the Governance Rules are made available for inspection in accordance with section 60A".
3. Insert the following New Clause to follow clause 60—
 

**"60A Making proposed changes to Governance Rules available for inspection**

  - (1) If the Council proposes to amend its Governance Rules, the Council must make the proposed amendments available for inspection for 28 days in accordance with this section.
  - (2) The Council must publish a notice stating—
    - (a) the intended effect of the proposed amendments; and
    - (b) that a copy of the proposed amendments is available for inspection—
      - (i) at the Council's office; and
      - (ii) on the Council's Internet site; and
    - (c) that the amendments will be available for inspection for 28 days and submissions in respect of the proposed amendments may be made to the Council during that time.
  - (3) At the end of the 28 day period of inspection, the Council—
    - (a) must consider any submissions made in respect of the proposed amendments to the Governance Rules; and
    - (b) may adopt the proposed amendments."
4. Clause 79, after line 19 insert—
 

"(1A) Despite subsection (1)(a), a local law may prescribe a penalty not exceeding 200 penalty units if the law is regulating activities connected with the construction of a building with a gross floor area of 2000 square metres or more."
5. Clause 240, lines 6 and 7, omit "or a ratepayer to the Council".
6. Clause 240, lines 12 to 29, omit all words and expressions on those lines.
7. Clause 240, page 219, lines 1 to 32, omit all words and expressions on those lines.
8. Clause 240, page 220, lines 1 to 34, omit all words and expressions on those lines.
9. Clause 242, omit this clause.
10. Clause 243, omit this clause.
11. Clause 244, omit this clause.
12. Clause 245, omit this clause.

13. Clause 246, omit this clause.
14. Clause 247, omit this clause.
15. Clause 248, omit this clause.
16. Clause 249, line 8, omit "from—" and insert "from a roll of electors for the Legislative Assembly compiled from the register of electors in accordance with section 268."
17. Clause 249, lines 9 to 17, omit all words and expressions on those lines.
18. Clause 249, lines 29 to 35, omit all words and expressions on those lines.
19. Clause 262, lines 23 and 24, omit "the Minister in accordance with this section" and insert "Council".
20. Clause 262, lines 25 to 27, omit all words and expressions on those lines and insert—
  - "(2) A determination by Council under subsection (1) must be made in accordance with the community engagement principles."
21. Clause 262, lines 28 to 32, omit all words and expressions on those lines.
22. Clause 262, page 240, lines 1 to 3, omit all words and expressions on those lines.
23. Clause 262, page 240, line 4, omit "Subject to subsection (3), a" and insert "A".
24. Clause 262, page 240, lines 9 to 12, omit all words and expressions on those lines.
25. Clause 326, line 5, before "Without" insert "(1)".
26. Clause 326, page 295, after line 14 insert—
  - "(2) Despite subsection (1)(i), the regulations must require, where a ballot-paper is required, and where there are 3 or more candidates on the ballot-paper, that the order of candidates on the ballot-paper be rotated equally and proportionally among types of ballot-paper that are distributed to remove any statistical advantage to any one candidate."
27. Clause 338, line 2, omit "sections 9(1) and (3) and 9B(4)" and insert "section 9(1)".
28. Clause 338, line 9, omit ", (2)(b), (3) and (5)" and insert "and (2)(b)".
29. Clause 338, lines 12 to 23, omit all words and expressions on those lines.
30. Clause 338, lines 27 to 32, omit all words and expressions on those lines.
31. Clause 339, omit this clause.
32. Insert the following New Clause before clause 340—

### "339 Repeals

- (1) In section 9(1)(b)(ii) of the **City of Melbourne Act 2001**, for "Division; or" substitute "Division."
- (2) Sections 9(1)(c), (3) and (4), 9A(3), (4), (5) and (6), 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9J, 10, 11A and 11C(1) of the **City of Melbourne Act 2001** are **repealed**.
- (3) For section 11D(2) of the **City of Melbourne Act 2001** substitute—
  - "(2) The Registrar must compile a voters' roll containing the prescribed particulars of persons entitled to be enrolled as at the close of the roll from—
    - (a) in the case of a general election, information received—
      - (i) under section 11(1); and
      - (ii) under subsection (3); and

(b) in the case of a by-election, the voters' roll from the last election and the information received under subsection (3)."

(4) Section 11D(4) of the **City of Melbourne Act 2001** is repealed."

33. Clause 340, omit this clause.

34. Page 318, before line 24 insert the following heading—

**"Division 3A—Amendment of Planning and Environment Act 1987".**

35. Insert the following New Clause to follow clause 364 and the heading proposed by amendment number 37—'

**"364A Planning and Environment Act 1987**

In section 188(2)(a) of the **Planning and Environment Act 1987**, after "191" insert "unless the planning authority is a municipal council and section 67 of the **Local Government Act 2019** applies to the circumstances"."

*Amendments circulated by Dr Ratnam (SR22C)*

1. Clause 1, omit this clause.

2. Insert the following New Clause before clause 2—

**"1 Purposes**

The purposes of this Act are—

- (a) to give effect to section 74A(1) of the **Constitution Act 1975** which provides that local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district; and
- (b) to amend the **Electoral Act 2002** to enable a person who has attained 16 years of age to provisionally enrol on the register of electors."

3. Clause 241, line 11, omit "18" and insert "16".

4. Clause 266, page 243, lines 5 to 7, omit all words and expressions on those lines and insert—

"(4) Subsection (1) or (2) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by the regulations applies to the person."

5. Clause 339, after line 16 insert—

"(1) In section 9A(2)(a) of the **City of Melbourne Act 2001**, for "18 years" substitute "16 years"."

6. Clause 339, line 17, before "In" insert "(2)".

7. Clause 349, lines 18 to 21, omit all words and expressions on those lines and insert—

""(1A) Subsection (1) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by regulations under this Act or the **Local Government Act 2019** applies to the person."

8. Page 314, after line 21 insert the following heading—

**"Division 2A—Amendment of Electoral Act 2002".**

9. Insert the following New Clause to follow clause 357 and the heading proposed by amendment number 8—

**"357A Electoral Act 2002**

In section 22(5) of the **Electoral Act 2002**, for "17 years" substitute "16 years".

## AMENDMENT OF LONG TITLE

10. Long title, after "**Act 2001**," insert "the **Electoral Act 2002**,".

Amendments circulated by Dr Ratnam (SR24C)

1. Clause 3, page 11, after line 4 insert—

**"gambling industry business entity** has the meaning given by section 305C;"

2. Clause 3, page 16, after line 11 insert—

**"prohibited donor** has the meaning given by section 305A;

**property developer** has the meaning given by section 305B;"

3. Insert the following New Clauses before clause 306—

**"305A Meaning of prohibited donor**

For the purposes of this Division, **prohibited donor** means—

- (a) a property developer; or
- (b) a gambling industry business entity—

and includes any industry representative organisation if the majority of its members are prohibited donors and does not include a person or entity in respect of whom a determination under section 309C is in effect.

**305B Meaning of property developer**

- (1) For the purposes of this Division, **property developer** means—

- (a) a natural person or a corporation if—
  - (i) the natural person or corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
  - (ii) in the course of the business—
    - (A) one relevant planning application has been made by or on behalf of the natural person or corporation and is pending; or
    - (B) three or more relevant planning applications made by or on behalf of the natural person or corporation have been determined within the preceding 7 years; or
- (b) a person who is a close associate of a natural person or a corporation referred to in paragraph (a).

- (2) Any activity engaged in by a natural person or corporation for the dominant purpose of providing commercial premises at which the natural person or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the natural person or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.

- (3) In this section and section 305C—

**close associate** of a corporation means each of the following—

- (a) a director or officer of the corporation or the spouse of such a director or officer;
- (b) a related body corporate of the corporation;



- (c) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person;
- (d) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security, the other stapled entity in relation to that stapled security;
- (e) if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
- (f) in relation to a corporation that is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development would be or is authorised by the application is authorised or carried out;

**close associate** of a natural person means each of the following—

- (a) the spouse of person;
- (b) in relation to a natural person who is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

**officer** has the same meaning as it has in the Corporations Act;

**related body corporate** has the same meaning as it has in the Corporations Act;

**relevant planning application** means any of the following—

- (a) a request to a planning authority to make or amend a planning scheme under the **Planning and Environment Act 1987**;
- (b) a request to a responsible authority for a permit or an amendment to a permit under the **Planning and Environment Act 1987**;
- (c) an application or request that is prescribed by the regulations to be a relevant planning application;

**stapled entity** means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

**voting power** has the same meaning as in the Corporations Act.

### **305C Meaning of gambling industry business entity**

For the purpose of this Division, **gambling industry business entity** means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose) but only if it is for the ultimate purpose of making a profit; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a)."

4. Clause 309, line 16, omit "It" and insert "Subject to section 309A, it".

5. Insert the following New Clauses after clause 309—

#### **"309A Gifts from prohibited donors unlawful**

- (1) It is unlawful for a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (2) It is unlawful for a person to make a gift on behalf of a prohibited donor—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or

- (b) to a Councillor
- (3) It is unlawful for a candidate or a person acting on behalf of a candidate to accept a gift during the donation period that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (4) It is unlawful for a Councillor or a person acting on behalf of Councillor to accept a gift that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (5) It is unlawful for a prohibited donor to solicit another person to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (6) It is unlawful for a person to solicit another person on behalf of a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.

- (7) In this section—

**gift** means a gift the amount or value of which is equal to or exceeds the gift disclosure threshold.

### **309B Offence relating to gift from prohibited donor**

A person who does any act that is unlawful under section 309A is guilty of an offence if the person was, at the time of the act, aware of the facts that result in the act being unlawful.

Penalty: 400 penalty units or imprisonment for 2 years.

### **309C Making of determination that person is not a prohibited donor**

- (1) A person may apply to the VEC for a determination that the person, or another entity, is not a person or entity specified in section 305A(a) or (b).
- (2) The application must be written and supported by enough information to enable the VEC to decide the application.
- (3) If the VEC is satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must make the determination sought by the applicant.
- (4) If the VEC is not satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must—
  - (a) decide not to make the determination; and
  - (b) give the applicant an information notice about the decision.
- (5) A determination made under this section has effect for 1 year unless it is earlier revoked.

### **309D Revocation of determination**

- (1) If, at any time, the VEC ceases to be satisfied that the person or entity in respect of whom a determination under section 309C relates is not a person or entity specified in section 305A(a) or (b), the VEC may revoke the determination by giving a written notice of revocation to the person or entity and, if the person or entity was not the applicant for the determination, the applicant.
- (2) The notice of revocation given to the person or entity must include, or be accompanied by, an information notice about the decision to revoke the determination.

### **309E Register of determinations**

- (1) The VEC must keep a register of determinations made under section 309C.
- (2) The register must include any revocations made under section 309D.
- (3) The VEC must make the register available for public inspection without fee."

6. Clause 310, line 32, after "309" insert "or 309A".
7. Insert the following New Clause after clause 310—

**"310A Exception for membership subscriptions**

An annual or other subscription paid to a party by a natural person as a member of the party or for the person's affiliation with the party is not a gift for the purposes of this Division unless it is above the gift disclosure threshold."

Amendments circulated by Mr Somyurek

1. Clause 2, page 2, line 12, omit "42" and insert "43".
2. Clause 2, page 2, line 17, omit "Division" and insert "Divisions 6 and".
3. Clause 2, page 2, line 30, after "45," insert "45A,".
4. Clause 2, page 2, line 31, after "63," insert "63A,".
5. Clause 2, page 2, line 32, after "69.5," insert "70A,".
6. Clause 2, page 3, line 11, omit "42" and insert "43".
7. Clause 2, page 3, line 12, after this line insert—
  - "(ca) section 52;".
8. Clause 2, page 3, line 28, omit "to" and insert ", 2, 3, 4, 5, 7 and".
9. Clause 3, page 8, line 17, after "committee" insert ", other than a Community Asset Committee,".
10. Clause 13, page 30, line 3, omit "divided." and insert—
  - "divided; or
  - (c) subject to subsection (5A), an equal number of Councillors elected to represent each ward into which the municipal district is divided."
11. Clause 13, page 30, line 9, after this line insert—
  - "(5A) A Council must not be constituted in accordance with subsection (4)(c) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be constituted in accordance with subsection (4)(c)."
12. Clause 15, page 31, line 34, omit "district." and insert—
  - "district; or
  - (d) if a notice has been published in accordance with section 13(5A), specifying—
    - (i) the specific Council or the specific type of Council to be constituted in accordance with section 13(4)(c); and
    - (ii) the number of wards; and
    - (iii) the number of Councillors that are to represent each ward."
13. Clause 16, line 11, omit "or (c)" and insert ", (c) or (d)".
14. Clause 16, page 34, line 31, after this line insert—
  - "(ca) subject to the Minister first publishing a notice under section 13(5A) in relation to a Council, or a specific type of Council, whether the municipal district of the Council should be constituted in accordance with section 13(4)(c);".

NEW CLAUSES

15. Insert the following New Clauses to follow clause 20—

**"20A Office of Deputy Mayor**

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.
- (3) If a Council has not established an office of Deputy Mayor, section 20B applies.

**20B Acting Mayor**

- (1) A Council may appoint a Councillor to be the Acting Mayor when—
  - (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
  - (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
  - (c) the office of Mayor is vacant.
- (2) An appointment under subsection (1) must be for a period specified by the Council.
- (3) If—
  - (a) an appointment has not been made under subsection (1) or has expired; and
  - (b) any of the circumstances specified in subsection (1)(a), (b) or (c) apply—
 the Council must appoint a Councillor to be the Acting Mayor for a period specified by the Council.
- (4) An Acting Mayor—
  - (a) must perform the role of the Mayor; and
  - (b) may exercise any of the powers of the Mayor—
 until the circumstances specified in subsection (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in this Act (except in sections 20 and 23, Division 4 of this Part and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor."

16. Clause 43, page 55, lines 23 and 24, omit "and member of a delegated committee" and insert ", member of a delegated committee and member of a Community Asset Committee".
17. Clause 60, page 71, line 25, after this line insert—
 

"(da) the appointment of an Acting Mayor;"
18. Clause 224, page 196, line 18, after "made" insert "in respect of a Councillor to which paragraph (b) applies".
19. Clause 224, page 196, lines 21 to 23, omit "the subject of the complaint specified in paragraph (b)".
20. Clause 224, page 196, lines 25 to 27, omit "the subject of the complaint specified in paragraph (b)".
21. Clause 224, page 196, lines 30 to 32, omit "a Councillor the subject of the complaint specified in paragraph (b)" and insert "the Councillor".
22. Clause 224, page 197, lines 4 and 5, omit "the subject of the complaint specified in paragraph (b)".
23. Clause 224, page 197, lines 6 to 8, omit "a person has made a complaint to the Minister in respect of a Councillor that alleges" and insert "the Minister has reason to believe".
24. Clause 224, page 197, lines 18 to 21, omit all words and expressions on these lines.
25. Clause 225, page 197, line 22, omit "**complaint**" and insert "**Councillor**".

26. Clause 225, page 197, lines 24 and 25, omit "complaint specified in section 224(1)(b)" and insert "Councillor to which section 224(1)(b) applies".
27. Clause 225, page 197, line 29, omit "complaint" and insert "Councillor".
28. Clause 225, page 197, lines 32 and 33, omit "or the complaint under section 224(1)(b)".
29. Clause 226, page 198, line 4, omit "referred complaint" and insert "referral".
30. Clause 226, page 198, line 6, omit "complaint" and insert "referral".
31. Clause 226, page 198, line 17, omit "referred complaint" and insert "referral".
32. Clause 226, page 198, line 22, omit "complaint" and insert "referral".
33. Clause 226, page 199, line 1, omit "complaint" and insert "referral".
34. Clause 226, page 199, line 8, omit "complaint" and insert "referral".
35. Clause 226, page 199, line 25, omit "complaint" and insert "referral".
36. Clause 227, line 6, omit "complaint" and insert "referral".
37. Clause 256, page 234, line 15, omit "(c)" and insert "(b)".
38. Clause 256, page 234, line 24, omit "(c)" and insert "(b)".
39. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—

"(b) attendance voting."
40. Clause 326, page 294, line 14, after "including" insert "the fixing and payment of any fees by candidates and".
41. Clause 363, page 317, line 2, after this line insert—

"(1A) In section 181A(1) of the **Local Government Act 1989** after "that rateable land" insert ", including climate change adaptation works on the building".

(1B) After section 181A(1) of the **Local Government Act 1989** insert—

"(1A) For the purposes of subsection (1), **adaptation** and **climate change** have the same respective meanings as they have in section 3 of the **Climate Change Act 2017**".
42. Clause 363, page 317, line 3, omit "(b) and (c)" and insert "(a), (b) and (c) and (4)".
43. Clause 363, page 317, line 30, after this line insert—

"(5) Section 181H(2) of the **Local Government Act 1989** is repealed."
44. Schedule 1, page 340, line 18, after this line insert—

**"45A Gender Equality Act 2020**

45A.1 In the heading to Division 1 of Part 9, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**".

45A.2 In section 55, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**".
45. Schedule 1, page 345, line 18, after this line insert—

**"63A Local Government (Casey City Council) Act 2020**

63A.1 In section 3, after "**Local Government Act 1989**" insert "and the **Local Government Act 2020**".

63A.2 In section 10, after "**Local Government Act 1989**" insert "or section 257(1) of the **Local Government Act 2020**".

46. Schedule 1, page 345, lines 21 and 22, omit all words and expressions on these lines and insert—
- "64.1 In section 3, after "**Local Government Act 1989**" insert "and the **Local Government Act 2020**".
- 64.2 In section 10, after "**Local Government Act 1989**" insert "or section 257(1) of the **Local Government Act 2020**".
47. Schedule 1, page 347, line 12, after this line insert—
- "70A Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020**
- In section 3, in the definition of *Council*, for "**Local Government Act 1989**" substitute "**Local Government Act 2020**".

## 2. ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019

### Amendments circulated by Mr O'Donohue

1. Insert the following New Clause to follow clause 3—
- '3A Power of court to cancel, suspend or vary licences and permits**
- (1) After section 28(1)(a) of the **Road Safety Act 1986** insert—
- "(ab) in the case of an offence—
- (i) against section 65A or 68, must suspend all driver licences and learner permits held by that person for such time as the court thinks fit; or
- (ii) against regulation 47(2) of the Road Safety (Drivers) Regulations 2019, must suspend all driver licences and learner permits held by that person for a period of 3 months."
- (2) In section 28(1)(b) of the **Road Safety Act 1986**, after "paragraph (a)" insert "or (ab)".
2. Clause 7, page 11, line 2, after "**certain speeding**" insert "**and other**".
3. Clause 7, page 11, line 4, after "**certain speeding**" insert "**and other**".
4. Clause 7, page 11, after line 12 insert—
- "(2) If a person is charged by a police officer with a relevant driving offence, any police officer, by written notice, may suspend the driver licence or learner permit of the person at any time after the filing of the charge-sheet charging the relevant driving offence until the charge has been determined."
5. Clause 7, page 11, line 13, omit "(2)" and insert "(3)".
6. Clause 7, page 11, after line 13 insert—
- "relevant driving offence** means an offence against section 65A or 68 or regulation 47(2) of the Road Safety (Drivers) Regulations 2019;"
7. Clause 7, page 11, line 20, after "speed limit" insert "or, in the case of the holder of a learner permit or probationary driver licence, at a speed of 30 kilometres per hour or more over the applicable speed limit".
8. Clause 7, page 11, line 30, after "speed limit" insert "or, in the case of the holder of a learner permit or probationary driver licence, at a speed of 30 kilometres per hour or more over the applicable speed limit".

### Amendments circulated by Ms Patten

1. Clause 1, line 6, after "certain cases" insert ", to remove a defence to a charge of driving a motor vehicle while impaired by a drug".
2. Clause 3, line 4, omit "In" and insert "(1) In".
3. Clause 3, after line 10 insert—

"(2) In section 3(1) of the **Road Safety Act 1986**, the definition of *permissible non-prescription drug* is repealed."

NEW CLAUSE

4. Insert the following New Clause after clause 3—

**"3A Offences involving alcohol or other drugs**

In section 49 of the **Road Safety Act 1986**—

- (a) in subsection (3A) omit "but subject to subsections (3B) and (3C)";  
 (b) subsections (3B) and (3C) are **repealed**."

AMENDMENT OF LONG TITLE

5. Long title, after "certain cases" insert ", to remove a defence to a charge of driving a motor vehicle while impaired by a drug".

*Amendments circulated by Mr Quilty*

1. Clause 1, line 6, after "certain cases" insert ", to provide that certain offences against that Act and the Road Rules do not apply in certain cases where one vehicle is exceeding the speed limit to pass another vehicle".

NEW CLAUSE

2. Insert the following new clause to follow clause 6—

**'6A New section 84BAB inserted**

After section 84BAA of the **Road Safety Act 1986** insert—

**"84BAB Exemption for exceeding speed limit to pass other vehicles safely**

Despite anything to the contrary in this Act or any other law, a driver of a motor vehicle or heavy vehicle is not guilty of an offence against section 64(1) or 65B or any Rules made under this Act in relation to obeying the speed limit if the driver—

- (a) is driving on a single carriage highway—  
     (i) with no more than one lane for each direction of travel; or  
     (ii) with one lane for each direction of travel and a dedicated overtaking lane;  
 and  
 (b) is passing another motor vehicle or other vehicle; and  
 (c) is driving in excess of the speed limit to pass that motor vehicle or other vehicle;  
 and  
 (d) having regard to all of the circumstances of the case, it is safest to exceed the speed limit in those circumstances."

AMENDMENT OF LONG TITLE

3. Long title, after "certain cases" insert ", to provide that certain offences against that Act and the Road Rules do not apply in certain cases where one vehicle is exceeding the speed limit to pass another vehicle".







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 56, 57 and 58

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#### No. 56 — Tuesday, 17 March 2020

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

*Road Safety and Other Legislation Amendment Act 2020.*

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

**COVID-19 SMALL BUSINESS STIMULUS PACKAGE** — Mr Somyurek having given answers to a question without notice and supplementary question relating to COVID-19 small business stimulus package —

On the motion of Mr Davis, 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:

- **COVID-19 testing kits** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 19 March 2020.
- **COVID-19 impact on housing and homelessness** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Thursday, 19 March 2020.
- **Average waiting time for COVID-19 testing** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 18 March 2020.

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

- 5 **PAPERS** —

**WHITTLESEA CITY COUNCIL MUNICIPAL MONITOR'S REPORT** — Mr Somyurek moved, by leave, That there be laid before this House a copy of the Municipal Monitor's Report on the Governance and Operations of the Whittlesea City Council, March 2020.

Question — put and agreed to.

The Report was presented by Mr Somyurek and ordered to lie on the Table and be published.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Patten presented Alert Digest No. 4 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT 2019-20** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2019-20 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2020.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 19 November 2019 giving approval to the granting of a lease at Mt Buninyong Scenic Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 116/2019 (*Gazette No. S118, 11 March 2020*).

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 February 2020 (*Ordered to be published*).

Public Health and Wellbeing Act 2008 — Report to Parliament on the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.

Statutory Rules under the following Acts of Parliament —  
County Court Act 1958 — No. 16.

Drugs, Poisons and Controlled Substances Act 1981 — No. 15.

Members of Parliament (Standards) Act 1978 — No. 17.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 13 to 16.

Legislative instruments and related documents under section 16B in respect of the Identity Verification Standards of 18 February 2020, under the Service Victoria Act 2018.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Environment Protection Amendment Act 2018 — Remaining Provisions — 1 July 2020 (*Gazette No. S104, 3 March 2020*).

Land (Revocation of Reservations) Act 2019 — Whole Act — 17 March 2020 (*Gazette No. S122, 11 March 2020*).

**6 BUSINESS OF THE COUNCIL** — Mr Quilty moved, by leave, That precedence be given to the following General Business on Wednesday, 18 March 2020 —

- (1) Notice of Motion No. 282, in an amended form, standing in the name of Mr Bourman in relation to water trading declarations;
- (2) Notice of Motion No. 250, standing in the name of Mr Bourman in relation to the production of certain documents relating to duck hunting;
- (3) the notice of motion given this day by Mr Quilty in relation to the Independent Broad-based Anti-corruption Commission;
- (4) the notice of motion given this day by Mr Quilty in relation to the reduced health impacts of vaping;
- (5) the notice of motion given this day by Mr Davis in relation to contaminated soil from the West Gate Tunnel Project; and
- (6) the notice of motion given this day by Mr Rich-Phillips in relation to the State Budget.

Question — put and agreed to.

**7 BUSINESS OF THE COUNCIL** — Mr Jennings moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 18 March 2020 the Order of Business will be —

Messages  
 Formal Business  
 Members' Statements (up to 15 Members)  
 General Business  
 At **12 noon** Questions  
 Answers to Questions on Notice  
 General Business (continues)  
 At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)  
 Dr Bach's Inaugural Speech  
 Government Business (60 minutes)  
 Adjournment (up to 20 Members).

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. 196 to 276, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**10 HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020** — 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.

**11 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Whittlesea City Council and to provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.

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

**12 LOCAL GOVERNMENT BILL 2019** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**13 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Philips were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Dr Cumming; Mr Erdogan; 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, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Mr Rich-Phillips.  
*(Tellers: Ms Bath and Mr Finn)*

Question 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.

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, 21

Mr Barton; Dr Cumming; Mr Erdogan; 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: Dr Cumming and Mr Erdogan*)

NOES, 13

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.  
(*Tellers: Mr Grimley and Mr Ondarchie*)

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.

**14 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

And then the Council, at 6.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 57 — Wednesday, 18 March 2020

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

2 **PETITIONS** —

**REJECT PLANNING AMENDMENTS TO TYABB AIRPORT** — Mr Finn (for Ms Bath) presented a Petition bearing 5,470 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to reject Mornington Peninsula Shire Council's application to amend the Mornington Peninsula Planning Scheme as it imposes unworkable and invalid operating restrictions on Tyabb Airport.

Ordered to lie on the Table.

\* \* \* \* \*

**REVIEW OF BUS ROUTES IN TARNEIT ELECTORATE** — Dr Cumming presented a Petition bearing 330 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise pedestrian safety, review existing bus routes in Tarneit and increase their frequency to every 15 to 20 minutes and prioritise new bus routes to and from Tarneit Train Station, especially for estates that have experienced large population growth.

Ordered to lie on the Table.

\* \* \* \* \*

**INTERSECTIONS ON CHILDS ROAD, MILL PARK** — Mr Ondarchie presented a Petition bearing 151 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rule out any raised intersections and raised safety platforms on any of the new intersections to be built on Childs Road in Mill Park.

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 —

Freight Outcomes from Regional Rail Upgrades, March 2020 (*Ordered to be published*).

Managing Development Contributions, March 2020 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the Implementation of environmental management systems in Victorian Government 2018-19.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 130/2019 (*Gazette No. G10, 12 March 2020*).

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

**5 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE** — The Clerk laid on the Table a letter from the Attorney-General, dated 17 March 2020, in response to the Resolution of the Council of 4 March 2020, relating to the Melbourne Airport Rail Link Strategic Business Case, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**6 WATER TRADING DECLARATIONS** — Mr Bourman moved, That this House notes that —

(1) Members of Parliament are currently not required to declare any interest in water shares or water trading, and that Members of Parliament should without delay, declare any and all interests in water trading in, but not limited to the Murray Darling Basin Plan;

(2) Government bureaucrats involved in any matters relating to water should immediately declare any and all interests in the water market that they themselves or any related entity holds;

and calls on all Victorian Members of both state and federal Parliaments to declare their interests in the water market.

Debate ensued.

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

Question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 250, be postponed until later this day.

**8 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION** — Mr Quilty moved, That this House —

(1) notes —

(a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;

(b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;

(c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;

(d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;

(e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —

(i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;

(ii) 18 per cent thought they could lose their job;

(iii) only 38 per cent thought meaningful action would occur;

(iv) eight per cent believe corruption occurs in their workplace;

- (f) that IBAC's *Audit of Victoria Police complaints handling systems at regional level* found that —
- (i) 16 per cent of police complainants were not contacted by internal investigating officers;
  - (ii) 34 per cent of witnesses were not contacted;
  - (iii) in 17 per cent of cases, relevant evidence was not considered;
- (2) calls on the Government to —
- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
  - (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 17 March 2020 —*

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

\* \* \* \* \*

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

- **COVID-19 – assistance to small business** — substantive and supplementary questions asked by Mr Davis — response from Mr Somyurek due Thursday, 19 March 2020.
- **Multipurpose taxi program** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 20 March 2020.
- **Egg supply for vaccines** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 19 March 2020.
- **COVID-19 – health warnings on use of anti-inflammatory drugs** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 19 March 2020.

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

**11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION** — Debate continued on the question, That this House —

(1) notes —

- (a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;
- (b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;
- (c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;
- (d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;
- (e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —
  - (i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;
  - (ii) 18 per cent thought they could lose their job;
  - (iii) only 38 per cent thought meaningful action would occur;
  - (iv) eight per cent believe corruption occurs in their workplace;

- (f) that IBAC's *Audit of Victoria Police complaints handling systems at regional level* found that —
- (i) 16 per cent of police complainants were not contacted by internal investigating officers;
  - (ii) 34 per cent of witnesses were not contacted;
  - (iii) in 17 per cent of cases, relevant evidence was not considered;
- (2) calls on the Government to —
- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
  - (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 294, be postponed until later this day.

**13 CONTAMINATED SOIL FROM WEST GATE TUNNEL PROJECT** — Mr Davis moved, That this House —

- (1) opposes any decision by the Andrews Labor Government, or its agencies, to dump toxic soil from the West Gate Tunnel Project at the Maddingley Brown Coal mine, Bacchus Marsh, in the Shire of Moorabool;
- (2) notes that proper community consultation and a full environmental assessment has not been undertaken by the West Gate Tunnel Authority, Transurban or other entities associated with the project; and
- (3) further notes that the site of the proposed dump site, near Bacchus Marsh Grammar School and the town centre, makes it inappropriate to foist the transport and dumping of the contaminated soil on the Bacchus Marsh community.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

(*Tellers: Mr Barton and Ms Maxwell*)

NOES, 15

Mr Erdogan; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(*Tellers: Mr Erdogan and Ms Taylor*)

Question agreed to.

**14 REDUCED HEALTH IMPACTS OF VAPING** — Mr Limbrick (for Mr Quilty) moved, That this House notes —

- (1) Public Health England's *Evidence review of e-cigarettes and heated tobacco products 2018*;
- (2) that vaping is probably not without risks but that it is almost certainly far safer than smoking;
- (3) the extensive evidence of reduced harm to smokers who transition to vaping; and
- (4) that there is no evidence of harm to bystanders as a result of vaping.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 17 March 2020, the debate stood adjourned in the name of Ms Patten.*

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

**16 INAUGURAL SPEECH — DR MATTHEW BACH** — Pursuant to an Order of the Council of 17 March 2020, Dr Matthew Bach made his inaugural speech.

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

**18 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020** — 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 read a second time, and by leave, debate be taken forthwith.

Question — That debate be taken forthwith — put and agreed to.

Debate ensued.

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

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

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

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

And then the Council, at 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 58 — Thursday, 19 March 2020

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

2 **PETITIONS** —

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

Ordered to lie on the Table.

\* \* \* \* \*

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

Ordered to lie on the Table.

3 **PAPERS** —

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

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

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



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

Boroondara Planning Scheme — Amendment C328.

Melton Planning Scheme — Amendment C211.

Mornington Peninsula Planning Scheme — Amendment C231.

Victoria Planning Provisions — Amendment VC177.

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

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

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

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

Debate ensued.

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

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 12

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

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

NOES, 21

Mr Barton; Mr Bourman; Mr Erdogan; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(*Tellers: Dr Kieu and Mr Melhem*)

Question negatived.

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

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

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

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

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

\* \* \* \* \*

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

- **Aged care workers safety** — substantive question asked by Mr Grimley — response from Ms Mikakos due Monday, 23 March 2020.
- **Body worn cameras for Police and PSOs** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Monday, 23 March 2020.

- **Urban tree cover** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 23 March 2020.

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

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

Bill reported without amendment, the Report was adopted.

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

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 30

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

(Tellers: Mr Meddick and Ms Vaghela)

NOES, 5

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

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

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

Debate ensued.

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

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

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

**13 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 in relation to sentencing for certain offences committed against emergency workers and others, to amend the Criminal Procedure Act 2009 in relation to indictable offences that may be heard and determined summarily and to make minor amendments to the Crimes Act 1958 and the Serious Offenders Act 2018 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 14 NORTH EAST LINK BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the North East Link State Tolling Corporation in relation to the North East Link road, to provide for the operation and maintenance of the North East Link road and the imposition and enforcement of tolls in relation to the North East Link road, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

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

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

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

- 16 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

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

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

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 56, 57 and 58

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### HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020

*Committed Tuesday, 17 March 2020*

**Clauses 1 to 11** — put and agreed to.

**Bill reported without amendment.**

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### NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020

*Committed Tuesday, 17 March 2020*

*Amendments circulated: Mr Rich-Phillips (see pp. 419-20)*

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

**Clause 4** — Mr Rich-Phillips moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.  
*(Tellers: Mr Bourman and Mr Quilty)*

NOES, 21

Mr Barton; Dr Cumming; Mr Erdogan; 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: Dr Cumming and Dr Ratnam)*

Question negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 7** — put and agreed to.

**Bill reported without amendment.**

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### LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020

*Committed Thursday, 19 March 2020*

*Amendments circulated: Dr Cumming (see p. 420), Dr Ratnam (see p. 420)*

**Clauses 1 to 9** — put and agreed to

**Clause 10** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

*(Tellers: Mr Grimley and Dr Ratnam)*

NOES, 25

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Erdogan; Mr Finn;  
Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mr Meddick; Mr Melhem; Ms Mikakos;  
Mr O'Donohue; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt;  
Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Mr Meddick and Mr Melhem)*

Question negated.

Dr Cumming moved Amendment No. 1 — put and negated.

Clause 10 — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020**Amendments circulated by Mr Rich-Phillips

1. Clause 4, lines 10 and 11, omit all words and expressions on those lines.
2. Clause 4, page 8, lines 15 to 24, omit all words and expressions on those lines.
3. Clause 4, page 11, after line 10 insert—
  - "(2A) An Order made under subsection (1) that specifies—
    - (a) the carrying out of, or operation of, an augmentation of the declared transmission system as a specified augmentation; or
    - (b) services provided or to be provided in relation to or by means of a specified augmentation as specified augmentation services; or
    - (c) non-network services as specified non-network services—must disapply the regulatory investment test for transmission."
4. Clause 4, page 17, after line 28 insert—

**"16ZHA Alternative regulatory investment test, consultation and tender**

- (1) This section applies if—
  - (a) an Order is made under section 16Y; and
  - (b) the Order specifies any one or more of the following—
    - (i) the carrying out of, or operation of, an augmentation of the declared transmission system as a specified augmentation;
    - (ii) services provided or to be provided in relation to or by means of a specified augmentation as specified augmentation services;
    - (iii) non-network services as specified non-network services.
- (2) AEMO must conduct an assessment of the need for the specified augmentation, the need for the provision of the specified augmentation services or the specified non-network services, as the case requires, in accordance with subsection (2) (the **alternative regulatory investment test**).
- (3) AEMO must—
  - (a) assess all credible options, including the option of no augmentation or no provision of augmentation services or non-network services (as the case requires); and
  - (b) conduct a cost-benefit analysis of each option to determine the net impact on electricity generators and electricity consumers of each option.
- (4) AEMO must publish on its website for the purposes of public consultation—
  - (a) a report, which includes the results arising from the application of the alternative regulatory investment test; and
  - (b) subject to subsection (5), details for the public consultation process, including the form and lodgement date for public submissions.
- (5) In deciding the details for the public consultation process, AEMO must have regard to the scope of the augmentation, augmentation services or non-network services specified in the Order.
- (6) AEMO must consider all public submissions that comply with the public consultation process.
- (7) Following consultation—
  - (a) AEMO may make any necessary changes to the assessment; and

- (b) AEMO must refer the option with the highest net benefit (the **best option**) to the Minister.
- (8) If the best option is an augmentation or the provision of augmentation services or non-network services (as the case requires), the Minister must, on receiving the option, direct AEMO to conduct a competitive tender process for the procurement of that option.
- (9) If the best option is that there is no need for an augmentation or the provision of augmentation services or non-network services (as the case requires), the Minister must revoke the relevant order made under section 16Y."

## **2. LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020**

### Amendments circulated by Dr Cumming

1. Clause 10, line 20, omit "October 2024" and insert "March 2023".

### Amendments circulated by Dr Ratnam

1. Clause 10, line 20, omit "2024" and insert "2021".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 59

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### No. 59 — Thursday, 23 April 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE DOUGLAS THOMPSON WALPOLE** — The President advised the House of the death on 15 March 2020, of Mr Douglas Thompson Walpole, Member of the Legislative Council for Melbourne Province from 1992 to 1999.  
Members stood in their places as a mark of respect to the memory of the late Mr Douglas Thompson Walpole.
- 3 **DEATH OF VICTORIAN POLICE OFFICERS** — The President made a statement on the tragic death of four Victorian Police officers on 22 April 2020.  
Members stood in their places as a mark of respect to the memory of the late Victorian Police officers.
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
On 20 March 2020 —  
*Local Government (Whittlesea City Council) Act 2020*  
On 24 March 2020 —  
*Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Act 2020*  
*Local Government Act 2020*  
*National Electricity (Victoria) Amendment Act 2020.*
- 5 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that, on 23 March 2020, she had received the written resignation of the Honourable Gavin Jennings as a Member of the Victorian Legislative Council.
- 6 **MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY** —  
The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon Gavin Jennings, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Thursday 23 April 2020 at 12.15 pm, and requesting the agreement of the Council.  
Ordered — That the Message be taken into consideration forthwith.  
Ms Symes moved, by leave, That this House meets with the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Gavin Jennings and, as proposed by the

Assembly, the time and place of such a meeting be the Legislative Assembly Chamber today, Thursday, 23 April 2020 at 12.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**7 ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Ros Spence resigning from the Electoral Matters Committee, effective from 21 April 2020.

**8 TEMPORARY ORDERS — CHAMBER AND DIVISIONS** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately —

**1. Definition of Chamber**

The lower public galleries and lower side galleries are taken to be part of the Legislative Council Chamber for the duration of the sitting day.

**2. Definition of ‘their place/s’**

The interpretation of ‘their place’ and ‘their places’ in the Standing Orders will be at the Chair’s discretion.

**3. Divisions**

Standing Orders 16.02 and 16.04 be suspended and the following will apply —

- (1) Immediately after a division has been demanded, the Clerk will ring the bells for four minutes, except in the following circumstance:
  - (a) In the instance that a division is demanded and the Chair is of the opinion that only one Member or one minor party is dissenting from the majority, the division bells will not be immediately rung, instead the following procedure will occur:
    - (i) The Chair will request that the dissenting Member or Members agree to have their dissent recorded in the Minutes of the Proceedings;
    - (ii) If any Member declines this request a formal division will take place, the Clerk will ring the bells for four minutes and a division will occur as per the procedures set out in paragraphs (2) to (7).
- (2) At the expiration of four minutes no Member will enter or leave the Chamber until after the result of the division has been declared.
- (3) Every Member present in the Chamber when the question is put will be required to vote.
- (4) The Chair will repeat the question that the House is dividing on and will ask Members who are voting ‘Aye’ to stand in their place and in turn will ask Members who are voting ‘No’ to stand in their place.
- (5) The Chair will not ask Members to be seated again until the Clerks at the Table have confirmed that they have counted all the votes.
- (6) All Members will only be entitled to vote for either the ‘Ayes’ or the ‘Noes’.
- (7) The Clerks at the Table will report the numbers to the Chair, who will declare the result to the Council.

Question — put and agreed to.

**9 TEMPORARY ORDERS — BUSINESS OF THE COUNCIL AND TEMPORARY ARRANGEMENTS** — Ms Symes moved, by leave, That due to the current circumstances as we act to slow the spread of COVID-19 —

- (1) Standing and Sessional Orders be suspended to the extent necessary today to provide that —

**1. Order of Business**

The Order of Business today will be —

Formal Business

General Business (maximum 30 minutes) – consideration of a motion that a Member may seek leave to move and if leave is granted, debate would occur as per procedural motions debate time limits

Questions

Answers to Questions on Notice

Constituency Questions

Government Business – consideration of the following Government Bills:

1. COVID-19 (Emergency Measures) Bill 2020
2. Appropriation (Interim) Bill 2020
3. Appropriation (Parliament) (Interim) Bill 2020
4. State Taxation Acts Amendment (Relief Measures) Bill 2020

Joint sitting in the Legislative Assembly Chamber

Swearing in of new Member

Government Business (continues)

**At 10.00 p.m.** Adjournment (up to 20 Members).

## **2. Cognate debate**

The House authorises the President to permit the second reading debates on the Appropriation (Interim) Bill 2020, the Appropriation (Parliament) (Interim) Bill 2020 and the State Taxation Acts Amendment (Relief Measures) Bill 2020 to be taken concurrently.

## **3. Next sitting of the House**

- (1) The Council, at its rising, adjourns until Tuesday 2 June 2020, or an earlier day and hour to be fixed by the President.
  - (2) If, in the opinion of the President, the next scheduled sitting or a rescheduled sitting should not proceed on the basis of health advice, the President will consult with the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, to delay the next meeting and set a future day and hour to meet.
  - (3) The President will notify Members of any changes to the next sitting date.
- (2) Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and to remain in place until the day the House next sits —

### **1. Discretion in ringing the bells to form a quorum**

To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum under Standing Order 4.03, provided the Chair is confident that a quorum is present within the parliamentary precinct.

### **2. Other business to be published in Hansard**

- (1) Members may submit:
  - (a) Members' statements;
  - (b) constituency questions; and
  - (c) adjournment matters —  
by providing them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept matters up to the number usually given in the House and as allocated between the parties and independents, in conjunction with any matters verbally given in the House each day.
- (3) The House authorises and requires matters to be published in Hansard at the end of the day's Hansard:
  - (a) subject to the Hansard editorial policy; and
  - (b) if any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

### 3. Notices of motion – lodging with the Clerk

- (1) If a Member will be absent from the Chamber during formal business they may give notice of a motion by electronically providing it to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) prior to the time the House commences sitting each day and requesting that notice be given that day.
- (2) At the conclusion of the giving of notices of motion by Members in the Chamber during formal business, the Clerk will advise the House of the notices submitted by absent Members that day by emailing them to all Members.

### 4. Members may incorporate their speeches for bills

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the bill was debated.
- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

### 5. Release of documents when the House is not sitting

- (1) Where an Act of Parliament requires a document to be tabled and the document is received by the Clerk in a week in which the House is not sitting, the Clerk must —
  - (a) by 4.00 p.m. each Friday in a non-sitting week, notify each Member of the House of the receipt of documents received by 10.00 a.m. that day and advise that the documents are available in the tabled documents database; and
  - (b) cause the document to be tabled in the House on the next sitting day.
- (2) If received by the Clerk under paragraph (1), the House orders reports from the following agencies to be published if so requested by those agencies:

Auditor-General  
 Commission for Children and Young People  
 Commissioner for Privacy and Data Protection  
 Consumer Affairs Victoria  
 Equal Opportunity and Human Rights Commission  
 Family Violence Reform Implementation Monitor  
 Gambling and Lotteries Licence Review Panel  
 Independent Broad-based Anti-corruption Commission  
 Law Reform Commission  
 Ombudsman  
 Parliamentary committees  
 Victorian Inspectorate.

- (3) If received by the Clerk under paragraph (1), the House orders the following reports to be published:
 

Annual Financial Report of the State of Victoria  
 Reports of Boards of Inquiry and Royal Commissions under the *Inquiries Act 2014*  
 Community Visitors' annual reports  
 Compliance Officer's statements of findings  
 Legal Services Commissioner's annual reports  
 Parliamentary Budget Officer's Report of Operations under s 27 of the *Parliamentary Budget Officer Act 2017*  
 Public Advocate's annual reports

Registers of Members' Interests  
Small Business Commissioner's annual reports.

**6. Extension to Committee reporting dates**

- (1) The reporting date for the presentation of reports on matters referred by the Council to Standing Committees and Joint Committees may be extended by agreement of the Committee.
- (2) The Committee must inform the President of any agreed extension.
- (3) The President must advise the House of any extensions on the next sitting day and these changes will be published in the Minutes of the Proceedings.

**7. Appointment of financial and/or performance auditor**

- (1) The President, upon receiving a Message from the Legislative Assembly while the House is not sitting, in relation to any recommendation by the Public Accounts and Estimates Committee on the appointment of a person or persons to conduct the financial and/or performance audit of the Victorian Auditor-General's Office will —
  - (a) notify the Leader of the Government in the Council, the Leader of the Opposition in the Council, the Leader of the Australian Greens and all other Members of the crossbench; and
  - (b) subject to the agreement of the President and each of these Members the recommendation is deemed adopted by the House.

**8. Questions on notice and Answers to questions on notice**

Standing Orders 8.01(2), 8.09 and 8.12 are suspended and the following will apply:

- (1) A Member may lodge a written question on notice by providing it electronically to the Table Office.
- (2) A question on notice lodged with the Table Office must be provided in a manner that clearly identifies the Member asking the question.
- (3) Questions on notice may be asked on non-sitting days.
- (4) Questions on notice lodged on a day when the House is not sitting will be published on the Council's website on the next business day after they are lodged and will be included in the next Notice Paper published.
- (5) A question on notice will be considered as asked on the date it is published on the Council's website and a response is due within 30 days.
- (6) When an answer to a question on notice is provided in writing or electronically to the Table Office it will be given to the Member who asked the question and will be published.
- (7) After questions without notice have concluded a Minister will advise the Council the numbers of the questions on notice to which answers have been provided since the last sitting day.

**9. Questions on notice – Reinstatement of questions on notice**

Standing Orders 8.15 is suspended and the following will apply:

- (1) The President may direct that a question or part of a question on notice which has been answered be reinstated and requires another written response, if following a request of the Member asking the question, the President is of the opinion that the question has not been fully answered.
- (2) If a question on notice that has been reinstated by the President while the House is not sitting is still unanswered when the House next sits, the question number will be reinstated on the next Notice Paper published.

**10. Written responses to questions without notice**

In relation to Standing Order 8.07 and Sessional Order 14, the following will apply:

- (1) In the instance where the President indicates that Hansard needs to be reviewed before making a decision as to whether a written response is required, the President may resolve the matter when the House is not sitting by communicating a decision to the Member that asked the question and the relevant Minister.

- (2) The President may exercise discretion in relation to the due date for written responses to questions without notice.

### 11. Responses to matters raised on the Daily Adjournment Debate

- (1) When a response to an adjournment matter is provided in writing or electronically to the Table Office it will be given to the Member who raised the matter and will be published.
- (2) Before the Daily Adjournment Debate is concluded, a Minister will advise the Council of the responses provided since the last sitting day.

### 12. Acting Presidents

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting President's may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

Debate ensued.

Question — put and agreed to.

- 10 WORKPLACE INJURY REHABILITATION AND COMPENSATION (COVID-19 PROTECTION) AMENDMENT BILL 2020** — Dr Ratnam introduced *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to establish presumptive rights to compensation in respect of COVID-19 for workers in certain employment with an elevated risk of exposure to that disease.*

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

- 11 ROAD SAFETY ROAD RULES 2017 (OVERTAKING BICYCLES) BILL 2020** — Dr Ratnam introduced *A Bill for an Act to amend the Road Safety Road Rules 2017 in relation to the overtaking of bicycles and for other purposes.*

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

### 12 PAPERS —

#### **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — APPOINTMENT OF A PERSON TO CONDUCT THE FINANCIAL AUDIT OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report from the Public Accounts and Estimates Committee on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office, April 2020.

Ordered that the Report be published.

\* \* \* \* \*

#### **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Australian Criminal Intelligence Commission — Board of the Australian Criminal Intelligence Commission — Report, 2017-18.

Crown Land (Reserves) Act 1978 — Minister's Order of 17 September 2019 giving approval to the granting of a lease at Sandringham Beach Park.

Land Tax Act 2005 — Treasurer's Report for 1 July 2019 to 31 December 2019 of Land Tax Absentee Owner Surcharge Exemptions under sections 3B and 3BA of the Act.

Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 1 April 2020 (*Ordered to be published*).

Parliamentary Salaries, Allowances and Superannuation Act 1968 — Compliance Officer — Statement of Findings: Appeal of a decision to reject a claim under the Electorate Office

and Communications Budget for being party political communication (*Ordered to be published*).

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

- Banyule Planning Scheme — Amendment C124.
- Baw Baw Planning Scheme — Amendment C140.
- Bayside Planning Scheme — Amendment C161.
- Brimbank Planning Scheme — Amendment C218.
- Campaspe Planning Scheme — Amendment C116.
- Cardinia Planning Scheme — Amendments C232 and C256.
- Casey and Greater Dandenong Planning Schemes — Amendment GC143.
- Casey Planning Scheme — Amendment C270.
- Colac Otway Planning Scheme — Amendment C102.
- Glen Eira Planning Scheme — Amendments C181 and C182.
- Golden Plains Planning Scheme — Amendments C85 and C88.
- Knox Planning Scheme — Amendment C176.
- Latrobe Planning Scheme — Amendment C101.
- Maroondah Planning Scheme — Amendments C139 and C140.
- Maroondah Ranges and Yarra Ranges Planning Schemes — Amendment GC152.
- Melton Planning Scheme — Amendment C220.
- Mitchell Planning Scheme — Amendment C144.
- Moorabool Planning Scheme — Amendment C88.
- Mornington Peninsula Planning Scheme — Amendment C258.
- Stonnington Planning Scheme — Amendment C278.
- Victoria Planning Provisions — Amendments VC178 and VC181.
- Whitehorse Planning Scheme — Amendment C225.
- Whittlesea Planning Scheme — Amendments C240 and C244.
- Wyndham Planning Scheme — Amendment C244.
- Yarra Planning Scheme — Amendment C277.

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.

Statutory Rules under the following Acts of Parliament —

- Births, Deaths and Marriages Registration Act 1996 — No. 25.
- Building Act 1993 — No. 21.
- Fisheries Act 1995 — No. 19.
- Heavy Vehicle National Law Application Act 2013 — No. 22.
- Parliamentary Salaries, Allowances and Superannuation Act 1968 — No. 18.
- Private Security Act 2004 — No. 23.
- Public Health and Wellbeing Act 2008 — No. 20.
- Subordinate Legislation Act 1994 — No. 26.
- Victoria Police Act 2013 — No. 24.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 19, 20, 22 and 23.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Local Government Act 2020 — Part 1, Divisions 1, 2 and 6 of Part 2 (except sections 11, 40, 41, 42 and 43), Divisions 1 and 4 of Part 3 (except sections 55 and 57), Divisions 6 and 9 of Part 7, Part 8, Part 11 (except sections 360, 361 and 362) and sections 89, 101, 106, 325, 326, 327, 328 and 329 (other than subsections (7), (8) and (9)) of that Act and the heading to Schedule 1 and items 1.1, 3, 4, 5, 7, 8.1, 9, 10, 11, 12, 13.1, 13.2, 13.3, 14, 15, 16, 17, 19, 20.1, 21.1, 21.3, 21.4, 22, 23.3, 24, 26, 27, 28.1, 29, 30.1, 31, 32, 33, 34, 35, 36, 37, 38, 39.1(a), 39.2, 40.1, 40.2, 40.7(a), 41, 42, 43.1, 44.1, 45, 45A, 46, 47.1, 47.2, 48, 49, 50, 51, 52, 53, 54.1, 55, 56.1(a), 56.2, 59, 60, 61, 62, 63, 63A, 64, 65, 67, 68, 69.1, 69.5, 70A, 71, 72, 74, 75.1, 75.5, 76, 77.2, 77.3, 77.4, 77.7, 77.8, 77.9, 78, 79, 80, 81.1, 82.1, 82.2, 83, 84, 85, 86, 87, 88, 89, 90.2, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 104,

105, 106, 107, 108, 110, 111, 112, 113.2, 113.3, 113.4, 113.5, 114 and 115 of Schedule 1 — 6 April 2020 — Division 8 of Part 2, Division 2 of Part 3, Part 9 (except sections 325, 326 and 327) sections 11, 40, 41, 42, 43, 47, 52, 55, 57 and 360, and items 8.7, 13.4, 18.1, 40.3, 40.5, 44.3, 47.3, 47.4, 70.1, 82.6 of Schedule 1 — 1 May 2020 (*Gazette No. S150, 24 March 2020*).

**13 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — Ms Patten moved, by leave, That Mr Limbrick be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

**14 PRIVILEGES COMMITTEE AND DISPUTE RESOLUTION COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —

- (1) Ms Symes be a member of the Privileges Committee; and
- (2) Ms Mikakos be a member of the Dispute Resolution Committee.

Question — put and agreed to.

**15 DISPUTE RESOLUTION COMMITTEE MEMBERSHIP AND STANDING COMMITTEES PARTICIPATING MEMBERSHIP** — Mr Davis moved, by leave, That —

- (1) Ms Crozier be a member of the Dispute Resolution Committee;
- (2) Dr Bach be a participating member of the Standing Committee on Economy and Infrastructure; and
- (3) Dr Bach be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

**16 SELECT COMMITTEE — GOVERNMENT RESPONSE TO COVID-19** — Dr Ratnam moved, by leave, That —

- (1) a Select Committee of nine Members be established to inquire into, consider and report on any matter relating to the Government's management of the COVID-19 epidemic;
- (2) the Committee shall consist of nine Members comprising three Members from the Government nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council and three Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio link or audio visual link;
- (8) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*



## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

Question negatived.

- 17 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.

\* \* \* \* \*

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

- **COVID-19 impact on homelessness** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 27 April 2020.

*Business having been interrupted at 12.15 p.m. pursuant to an Order of the Council earlier this day —*

- 18 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to elect a Member to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Gavin Jennings.

*[Sitting suspended from 12.15 p.m. to 1.12 p.m.]*

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

- 20 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Gavin Jennings and Mr Lee Tarlamis was elected to hold the vacant seat in the Legislative Council.

- 21 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr Lee Tarlamis, having been introduced, approached the Table and took and subscribed the affirmation required by law.

- 22 ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — Ms Stitt moved, by leave, That Mr Tarlamis be a member of the Electoral Matters Committee.

Question — put and agreed to.

- 23 COVID-19 OMNIBUS (EMERGENCY MEASURES) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to temporarily amend certain Acts, and to temporarily empower the making of regulations, to modify the application of the law of Victoria in certain respects for the purpose of responding to the COVID-19 pandemic and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

Leave granted for debate to be taken forthwith.

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis and Dr Ratnam 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 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.

*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.]*

- 24 APPROPRIATION (INTERIM) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make interim appropriation of certain sums out of the Consolidated Fund for services and supplies for the period commencing 1 January 2020 and ending on 31 December 2020* and requesting the agreement of the Council.

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

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

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

On the motion of Mr Rich-Phillips, by leave, the debate was adjourned until later this day.

- 25 APPROPRIATION (PARLIAMENT) (INTERIM) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make interim appropriation of certain sums out of the Consolidated Fund for the Parliament for the period commencing on 1 July 2020 and ending on 31 December 2020* and requesting the agreement of the Council.

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

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

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

On the motion of Mr Rich-Phillips, by leave, the debate was adjourned until later this day.

- 26 STATE TAXATION ACTS AMENDMENT (RELIEF MEASURES) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 to implement emergency relief measures and for other purposes* and requesting the agreement of the Council.

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

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

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

Leave granted for debate to be taken forthwith.

- 27 STATE TAXATION ACTS AMENDMENT (RELIEF MEASURES) BILL 2020 — APPROPRIATION (INTERIM) BILL 2020 — APPROPRIATION (PARLIAMENT) (INTERIM) BILL 2020** — The concurrent debate commenced, pursuant to an Order of the Council earlier this day, on the questions, That these Bills be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Rich-Phillips to the Appropriation (Interim) Bill 2020 were circulated.

*Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council earlier this day —*

---

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

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Debate continued.

*The concurrent debate having concluded —*

**28 STATE TAXATION ACTS AMENDMENT (RELIEF MEASURES) BILL 2020** — Question — That the Bill be now read a second time — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**29 APPROPRIATION (INTERIM) BILL 2020** — Question — That the Bill be now read a second time — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

---

Ms Symes 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, 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.

**30 APPROPRIATION (PARLIAMENT) (INTERIM) BILL 2020** — Question — That the Bill be now read a second time — 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.

**31 OTHER BUSINESS SUBMITTED BY MEMBERS** — Pursuant to an Order of the Council earlier this day, Members' statements and further constituency questions and adjournment matters were submitted electronically to the Clerk for publication in Hansard.

**32 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 11.34 p.m., adjourned until Tuesday, 2 June 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes No. 59

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### COVID-19 OMNIBUS (EMERGENCY MEASURES) BILL 2020

*Committed Thursday, 23 April 2020*

*Amendments circulated: Mr Davis (see p. 435), Dr Ratnam (see pp. 435-6)*

**Clauses 1 to 45** — put and agreed to.

**Clause 46** — Dr Ratnam moved Amendment No.1 — put and negatived.

Dr Ratnam moved Amendment Nos. 2 to 11 — put and negatived.

Dr Ratnam moved Amendment No.15 — put and negatived.

Clause 46 — put and agreed to.

**Clauses 47 to 53** —put and agreed to.

**Clause 54** — Question — That clause 54 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; 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; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

NOES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

Question agreed to.

**Clauses 55 and 56** — put and agreed to.

**Clause 57** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; 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; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

NOES, 19

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

The Ayes and Noes being equal, the question was negatived.

Clause 57 — put and agreed to.

**Clauses 58 to 64** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**STATE TAXATION ACTS AMENDMENT (RELIEF MEASURES) BILL 2020**

*Committed Thursday, 23 April 2020*

**Clauses 1 to 12** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (INTERIM) BILL 2020**

*Committed Thursday, 23 April 2020*

*Suggested Amendments circulated: Mr Rich-Phillips (see p. 437)*

**Clauses 1 to 4** — no question put pursuant to Standing Order 14.15(2).

**Clause 5** — Mr Rich-Phillips moved Suggested Amendment No.1.

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

NOES, 21

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council earlier this day)*

Question negatived.

Clause 5 — no question put pursuant to Standing Order 14.15(2).

**Clauses 6 to 10** — no question put pursuant to Standing Order 14.15(2).

**Schedule 1** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. COVID-19 OMNIBUS (EMERGENCY MEASURES) BILL 2020***Amendments circulated by Mr Davis*

Clause 57, page 283, after line 15 insert—

**"54A Sub-committee of the Public Accounts and Estimates Committee for matters concerning the COVID-19 pandemic**

- (1) If the Public Accounts and Estimates Committee is referred a matter relating to the COVID-19 pandemic, the Public Accounts and Estimates Committee must appoint a sub-committee for the purposes of inquiring into, considering and reporting to the Parliament on that matter.
- (2) The majority of members appointed to a sub-committee referred to in subsection (1) must not be members of the political party forming the Government.
- (3) The chairperson of a sub-committee referred to in subsection (1) must not be a member of the political party forming the Government.
- (4) A report of a subcommittee referred to in subsection (1) is taken to be a report adopted by the Public Accounts and Estimates Committee for the purposes of sections 35 to 37A.

**Note**

A report taken to be adopted by the Public Accounts and Estimates Committee under subsection (4) must be laid before each House of the Parliament in accordance with section 35(1).

- (5) In this section—

***political party*** has the same meaning as in the **Electoral Act 2002**.

**Note**

Division 3 of Part 3 applies to a sub-committee appointed under this section."

*Amendments circulated by Dr Ratnam*

1. Clause 46, page 163, after line 8 insert—  
"(ia) the need to avoid homelessness during the COVID-19 pandemic;"
2. Clause 46, page 164, lines 3 and 4, omit ", and any outstanding arrears of rent,".
3. Clause 46, page 164, after line 6 insert—  
"(1A) The Tribunal must not make an order under subsection (1) if the order would result in severe hardship to the tenant.  
  
(1B) The Tribunal must not make an order under subsection (1) that requires the tenant to repay any outstanding arrears of rent."
4. Clause 46, page 181, lines 27 and 28, omit ", and any outstanding arrears of rent,".
5. Clause 46, page 181, after line 29 insert—  
"(1A) The Tribunal must not make an order under subsection (1) if the order would result in severe hardship to the resident.  
  
(1B) The Tribunal must not make an order under subsection (1) that requires the resident to repay any outstanding arrears of rent."
6. Clause 46, page 190, lines 31 and 32, omit "and any outstanding arrears of rent or the hiring charge,".

7. Clause 46, page 190, after line 34 insert—
  - "(1A) The Tribunal must not make an order under subsection (1) if the order would result in severe hardship to the resident.
  - (1B) The Tribunal must not make an order under subsection (1) that requires the resident to repay any outstanding arrears of rent or the hiring charge."
8. Clause 46, page 199, lines 23 and 24, omit ", and any outstanding arrears of rent,".
9. Clause 46, page 199, after line 26 insert—
  - "(1A) The Tribunal must not make an order under subsection (1) if the order would result in severe hardship to the site tenant.
  - (1B) The Tribunal must not make an order under subsection (1) that requires the site tenant to repay any outstanding arrears of rent."
10. Clause 46, page 212, lines 19 and 20, omit ", and any outstanding arrears of rent,".
11. Clause 46, page 212, after line 22 insert—
  - "(1A) The Tribunal must not make an order under subsection (1) if the order would result in severe hardship to the SDA resident.
  - (1B) The Tribunal must not make an order under subsection (1) that requires the SDA resident to repay any outstanding arrears of rent."
12. Clause 46, page 219, lines 24 and 25, omit "having regard to section 498ZZHA," and insert ", having regard to the need to avoid homelessness during the COVID-19 pandemic and to section 498ZZHA,".
13. Clause 46, page 221, lines 25 and 26, omit "having regard to section 498ZZHA," and insert ", having regard to the need to avoid homelessness during the COVID-19 pandemic and to section 498ZZHA,".
14. Clause 46, page 224, lines 3 and 4, omit "having regard to section 498ZZHA," and insert ", having regard to the need to avoid homelessness during the COVID-19 pandemic and to section 498ZZHA,".
15. Clause 46, page 232, after line 18 insert—
  - "(3) Regulations under section 603(1) that provide for mediation or conciliation of an eligible dispute must impose a time limit by which the mediation or conciliation must be completed, being not more than 5 business days from the day on which a party makes an application under the Scheme in relation to the eligible dispute."
16. Clause 46, page 235, after line 2 insert—
  - "(3) Regulations under section 603(1) that provide for the making of an order that a tenant, resident, site tenant or SDA resident enter into and abide by a payment plan for the payment of rent or hiring charge, or a reduced amount of rent or hiring charge, must require the chief dispute resolution officer not to make such an order if—
    - (a) the order would result in severe hardship to the tenant, resident, site tenant or SDA resident; or
    - (b) the order requires the tenant, resident, site tenant or SDA resident to repay any outstanding arrears of rent or hiring charge."



## 2. APPROPRIATION (INTERIM) BILL 2020

### Suggested Amendments circulated by Mr Rich-Phillips

1. Clause 5, line 24, after this line insert—
  - "(3) The Treasurer must prepare a report within 30 days of the quarter ending on 30 June 2020 specifying—
    - (a) the amounts of the sum of \$10 000 000 000 issued under subsection (1); and
    - (b) the purpose for which each of those amounts has been applied."
2. Clause 6, line 34, after this line insert—
  - "(2) The Treasurer must prepare a report within 30 days of each of the quarters ending on 30 September 2020 and 31 December 2020 specifying—
    - (a) the amounts of the sum of \$14 480 927 000 issued under subsection (1) during the relevant quarter; and
    - (b) the purpose for which each of those amounts has been applied."
3. 

NEW CLAUSE

Insert the following new clause to follow clause 6—
  - "6A Treasurer to provide report for tabling**
    - (1) The Treasurer must provide a copy of a report under section 5(3) or 6(2) to the Clerk of each House of Parliament as soon as practicable after it has been prepared.
    - (2) The Clerk of each House of Parliament must as soon as practicable after receiving a copy of the report—
      - (a) notify each Member of that House that the report has been received; and
      - (b) make copies of the report available to Members of that House; and
      - (c) cause the report to be laid before that House on the next sitting day."





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 60, 61 and 62

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#### No. 60 — Tuesday, 2 June 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE BRUCE NICHOLAS REID** — The President advised the House of the death, on 24 May 2020, of the Honourable Bruce Nicholas Reid, Member of the Legislative Council for Bendigo Province from 1976 to 1988.  
Members stood in their places as a mark of respect to the memory of the late Honourable Bruce Nicholas Reid.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 24 April 2020 —  
*COVID-19 Omnibus (Emergency Measures) Act 2020*
  - On 28 April 2020 —  
*Appropriation (Interim) Act 2020*  
*Appropriation (Parliament) (Interim) Act 2020*  
*State Taxation Acts Amendment (Relief Measures) Act 2020.*
- 4 **MESSAGE FROM THE ASSEMBLY — AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The President advised that, pursuant to a temporary order of the Council of 23 April 2020, he had —
  - (1) received a Message from the Legislative Assembly on 6 May 2020 agreeing, under section 79 of the *Audit Act 1994*, to appoint Mr Steven Bradby of PKF Melbourne Audit and Assurance for a period of four years;
  - (2) notified the Leader of the Government, the Leader of the Opposition, the Leader of the Australian Greens and all other Members of the crossbench that this Message had been received and requested their agreement; and
  - (3) sent a Message to the Legislative Assembly on 12 May 2020 informing them that agreement had been communicated from each of the Members notified and therefore the recommendation was deemed adopted by the House.
- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**CEDAR MEATS CORONAVIRUS RISK ASSESSMENT** — Ms Mikakos having given answers to a question without notice and supplementary question relating to Cedar Meats coronavirus risk assessment —  
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.

Pursuant to a temporary order of the Council of 23 April 2020, answers received and published between 24 April and 1 June 2020 were laid on the Table.

\* \* \* \* \*

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

- **Royal Commission into mental health** — substantive question asked by Mr Grimley — response from Ms Mikakos due Thursday, 4 June 2020.
- **Cedar Meats coronavirus risk assessment** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 3 June 2020.
- **Mercy Mental Health funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Mikakos due Thursday, 4 June 2020.

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

**7 COMMITTEE MEMBERSHIP** — The President read a letter from Mr Atkinson resigning from the Electoral Matters Committee and the Standing Committee on Environment and Planning, effective from Friday, 15 May 2020.

**8 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATES** — The President advised that, pursuant to a temporary order of the Council of 23 April 2020, he had received a letter from the Chair of the Economy and Infrastructure Committee, dated 18 May 2020, notifying him of the following changes to reporting dates —

- (1) the Inquiry into Expanding Melbourne's Free Tram Zone — from 1 September 2020 to 1 December 2020; and
- (2) the Inquiry into the Increase in Victoria's Road Toll — from 17 November 2020 to 31 March 2021.

**9 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATES** — The President advised that, pursuant to a temporary order of the Council of 23 April 2020, he had received a letter from the Chair of the Environment and Planning Committee, dated 1 June 2020, notifying him of the following changes to reporting dates —

- (1) the Inquiry into Nuclear Prohibition in Victoria — from 14 August 2020 to 30 November 2020;
- (2) the Inquiry into Ecosystem Decline in Victoria — from 30 October 2020 to 30 April 2021;
- (3) the Inquiry into Air Pollution in Victoria — from 29 October 2020 to 31 August 2021; and
- (4) the Inquiry into Renewable Energy in Victoria — from July 2021 to 30 April 2022.

**10 PETITIONS** —

**LEGALISE AIRSOFT EQUIPMENT** — Mr Quilty presented a Petition bearing 1,590 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to support all necessary policy initiatives, administrative actions and changes to legislation required to facilitate the legalisation of the purchase of, trade in and use of airsoft equipment, and support all the commercial activities that are associated with the sport.

Ordered to lie on the Table.

\* \* \* \* \*

**LEGALISE AIRSOFT EQUIPMENT** — Mr Quilty presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to support all necessary policy initiatives, administrative actions and legislation required to facilitate the legislation of, the purchase of, trade in and use of airsoft equipment, and support all the commercial activities that are associated with the sport so it may be enjoyed by the people of Victoria.

Ordered to lie on the Table.

- 11 HOUSING LEGISLATION AMENDMENT (PUBLIC HOUSING CHARTER OF RIGHTS AND OMBUDSMAN) BILL 2020** — Dr Ratnam introduced *A Bill for an Act to amend the Housing Act 1983 to create a Charter of Rights for public housing tenants, and to establish a mechanism to deal with issues relating to the rights of public housing tenants, and for other purposes.*

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

- 12 WILDLIFE RESCUE VICTORIA BILL 2020** — Mr Meddick introduced *A Bill for an Act to provide for certain matters related to carrying out wildlife emergency response activities, including establishing the Wildlife Rescue Victoria Committee with functions dealing with or related to those activities, in particular, a function of advising the Secretary on the management of volunteers carrying out those activities and on the management of persons or bodies who provide those volunteers, and including providing for the accreditation of volunteers to carry out those activities and of persons or bodies carrying out related activities and for related matters and for other purposes.*

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

**13 PAPERS —**

**UNIVERSITY OF DIVINITY REPORT, 2019** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2019.

Question — put and agreed to.

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

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**PARLIAMENTARY BUDGET OFFICE — COSTING RESPONSE** — Ms Patten moved, by leave, That there be laid before this House a copy of the Parliamentary Budget Office's response to Reason Victoria's request relating to a Four-day work week trial—part-time staff receive new hourly pay rate.

Question — put and agreed to.

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

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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. 5 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**OMBUDSMAN — INVESTIGATION OF ALLEGED IMPROPER CONDUCT BY EXECUTIVE OFFICERS AT BALLARAT CITY COUNCIL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation of alleged improper conduct by Executive Officers at Ballarat City Council, May 2020.

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**OMBUDSMAN — INVESTIGATIONS INTO ALLEGATIONS OF NEPOTISM IN GOVERNMENT SCHOOLS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Investigations into allegations of nepotism in government schools, May 2020.

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**VICTORIAN BUDGET 2019-20 QUARTERLY FINANCIAL REPORT NO. 3** — 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. 3 for the quarter ending 31 March 2020.

**AUDITOR-GENERAL — PERSONNEL SECURITY: DUE DILIGENCE OVER PUBLIC SERVICE EMPLOYEES** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Personnel Security: Due Diligence Over Public Service Employees, May 2020.

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**AUDITOR-GENERAL — MANAGING SUPPORT AND SAFETY HUBS** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Managing Support and Safety Hubs, May 2020.

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**IBAC — SPECIAL REPORT ON OPERATION BETKA: AN INVESTIGATION INTO ALLEGED CORRUPT CONDUCT BY A FORMER CONTRACTOR OF THE DEPARTMENT OF EDUCATION AND TRAINING** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the IBAC Commissioner's Special report on Operation Betka: An investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training, May 2020.

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**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO RECYCLING AND WASTE MANAGEMENT** — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Environment and Planning Committee's Report on the Inquiry into Recycling and Waste Management.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO FIREARMS PROHIBITION LEGISLATION** — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Report on the Inquiry into Firearms Prohibition Legislation.

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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:

Bendigo Kangan Institute — Report, 2019.

Box Hill Institute — Report, 2019.

Chisholm Institute — Report, 2019.

Deakin University — Report, 2019.

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by the Chief Commissioner of Victoria Police for 2019.

Federation University Australia — Report, 2019.

Gambling Regulation Act 2003 — Amendments to the Public Lottery Licence under section 5.3.6 of the Act.

Gordon Institute of TAFE (The Gordon) — Report, 2019.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2019.

Holmesglen Institute — Report, 2019.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 13 April 2020 to not require the service of a notice of intention to acquire land, pursuant to section 7(1)(c) of the Act.

La Trobe University — Report, 2019.

Melbourne Polytechnic — Report, 2019.

Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 5 May 2020 (*Ordered to be published*).

Monash University — Report, 2019.

Municipal Association of Victoria — Report, 2018-19.

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

- Ballarat Planning Scheme — Amendment C213.  
Banyule Planning Scheme — Amendment C155.  
Bass Coast, Baw Baw, Colac Otway, East Gippsland, Glenelg, Greater Bendigo, Greater Geelong, Hepburn, Latrobe, Mitchell, Moorabool, Moyne, South Gippsland, Southern Grampians, Strathbogrie, Warrnambool, Wellington and Wodonga Planning Schemes — Amendment GC112.  
Colac Otway Planning Scheme — Amendment C104.  
Darebin Planning Scheme — Amendment C187.  
Frankston Planning Scheme — Amendment C131.  
Glen Eira Planning Scheme — Amendment C198.  
Greater Bendigo Planning Scheme — Amendment C252.  
Greater Shepparton Planning Scheme — Amendments C213 and C222.  
Hume Planning Scheme — Amendment C239.  
Latrobe Planning Scheme — Amendment C123.  
Melbourne Planning Scheme — Amendments C365, C375 and C383.  
Monash Planning Scheme — Amendment C131.  
Moreland Planning Scheme — Amendments C164 (Part 1) and C164 (Part 2).  
Mornington Peninsula Planning Scheme — Amendment C274.  
Port Phillip Planning Scheme — Amendment C188.  
South Gippsland Planning Scheme — Amendment C90.  
Surf Coast Planning Scheme — Amendment C130.  
Towong Planning Scheme — Amendment C25.  
Victoria Planning Provisions — Amendment VC175.  
Whittlesea Planning Scheme — Amendment C238.  
Wyndham Planning Scheme — Amendment C242.  
Yarra Planning Scheme — Amendment C265.
- Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.  
Royal Melbourne Institute of Technology (RMIT University) — Report, 2019.  
South West Institute of TAFE — Report, 2019.
- Statutory Rules under the following Acts of Parliament —  
Building Act 1993 — No. 42.  
Children's Services Act 1996 — No. 32.  
County Court Act 1958 — No. 27.  
COVID-19 Omnibus (Emergency Measures) Act 2020 — Nos. 31, 34 and 38.  
Disability Service Safeguards Act 2018 — No. 36.  
Flora and Fauna Guarantee Act 1988 — No. 41.  
Magistrates' Court Act 1989 — Nos. 39 and 40.  
Residential Tenancies Act 1997 — No. 35.  
Subordinate Legislation Act 1994 — No. 33.  
Supreme Court Act 1986 — Nos. 29 and 30.  
Transport Accident Act 1986 — No. 37.  
Victorian Civil and Administrative Tribunal Act 1998 — No. 28.  
Workplace Injury Rehabilitation and Compensation Act 2013 — No. 43.
- Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 21, 25 to 30, 32 to 35, 37 to 40 and 43.  
Legislative instruments and related documents under section 16B in respect of the —  
Fisheries Act 1995 —  
Amendment of 3 March 2020 to the Initial Quota Order for the Pipi Fishery under section 64 of the Act.  
Amendments of 29 April 2020 to the Initial Quota Orders for the Western Zone of the Victorian Rock Lobster Fishery, the Eastern Zone of the Victorian Rock Lobster Fishery, the Giant Crab Fishery in the Western Zone and the Sea Urchin Fishery under section 64 of the Act.  
Initial Abalone Quota Order of 30 April 2020 under section 66C of the Act.

Initial Quota Orders of 13 February 2020 for the Pipi Fishery and the Banded Morwong Fishery under section 64 of the Act.

Minister's direction of 30 April 2020 in relation to the fishery for banded morwong being managed as a developing fishery under section 61 of the Act.

Gambling Regulations Act 2003 — Notices of 23 March 2020 and 1 May 2020 and certificates of 25 February 2020 fixing the value of gaming machine supervision charge for venue operators for 2018-19 under section 3.6.5A of the Act.

Water Act 1989 — Coliban Region Water Corporation By-law No. 13 – Recreational Areas of 20 April 2020, under section 287ZC of the Act.

Sunraysia Institute of TAFE (SuniTAFE) — Report, 2019.

Swinburne University of Technology — Report, 2019.

TAFE Gippsland — Report, 2019.

The University of Melbourne — Report, 2019.

Victoria University — Report, 2019.

Wildlife Act 1975 —

Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S234, 12 May 2020*).

Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S246, 19 May 2020*).

William Angliss Institute of TAFE — Report, 2019.

Wodonga Institute of TAFE — Report, 2019.

**14 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 June 2020 —

- (1) Order of the Day made this day, second reading of the Wildlife Rescue Victoria Bill 2020;
- (2) the notice of motion given this day by Ms Maxwell referring a matter to the Legal and Social Issues Committee relating to Victoria's justice system;
- (3) the notice of motion given this day by Ms Maxwell in relation to illegal tobacco trade;
- (4) the notice of motion given this day by Mr Davis in relation to barley tariffs;
- (5) the notice of motion given this day by Ms Lovell in relation to brumbies; and
- (6) the notice of motion given this day by Mr Davis in relation to a joint select committee inquiry into international treaties.

Question — put and agreed to.

**15 REGIONAL SITTING** — Mr Davis moved, by leave, That the Resolution of the Council of 6 February 2020 requiring the Legislative Council to hold a regional sitting in North East Victoria in October or November 2020 be amended so as to now require the Council to hold this sitting by 30 June 2021.

Question — put and agreed to.

**16 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Dr Bach be a member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

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

**18 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 207 to 276, be postponed until later this day.

**19 NORTH EAST LINK BILL 2020** — 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, Dr Ratnam, Dr Bach and Mr Barton were circulated.

Question — put.

The Council divided — The President in the Chair.



## AYES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

## NOES, 5

Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Dr Ratnam.

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

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.

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.

**20 DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020** — 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.

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

Debate ensued and pursuant to a temporary order of the Council of 23 April 2020, responses to certain Adjournment matters received and published between 24 April and 1 June 2020 were laid on the Table.

And then the Council, at 10.12 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 61 — Wednesday, 3 June 2020

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

2 **PETITION — EASE THE COVID-19 RECREATIONAL ACTIVITY RESTRICTIONS** — Mr Bourman presented a Petition bearing 4,131 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with the Victorian Chief Health Officer to immediately allow outdoor recreational activities to recommence, subject to social distancing restrictions.

Ordered to lie on the Table.

3 **PAPERS** —

**COMMUNITY PETITIONS TO SAVE CHANNEL 31** — Mr Barton moved, by leave, That there be laid before this House a copy of the Community Petitions to save Channel 31.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 April 2020 giving approval to the granting of a licence at Alexandra Gardens Reserve and Kings Domain Reserve.

Minister's Order of 17 September 2019 giving approval to the granting of a lease at Sandringham Beach Park.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 24.

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

**5 WILDLIFE RESCUE VICTORIA BILL 2020** — Mr Meddick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

**6 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — VICTORIA'S JUSTICE SYSTEM** — Ms Maxwell moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 28 February 2022, on various issues associated with the operation of Victoria's justice system, including, but not limited to —

- (1) an analysis of factors influencing Victoria's growing remand and prison populations;
- (2) strategies to reduce rates of criminal recidivism;
- (3) an examination of how to ensure that judges and magistrates have appropriate knowledge and expertise when sentencing and dealing with offenders, including an understanding of recidivism and the causes of crime; and
- (4) the consideration of judicial appointment processes in other jurisdictions, specifically noting the particular skill-set necessary for judges and magistrates overseeing specialist courts.

Debate ensued.

Mr O'Donohue moved, as amendments, That —

1. In paragraph (2) after the words "criminal recidivism" **insert** the words ", both in respect to custodial sentences and community corrections orders".
2. In paragraph (3) **omit** "crime; and" and **insert** in their place "crime;".
3. In paragraph (4) **omit** "courts." and **insert** in their place "courts;".
4. After paragraph (4), **insert** the following:
  - "(5) a comprehensive review of the operational costs of Victoria's correctional system, which is currently the highest in the nation on a per prisoner per day basis; and
  - (6) reviewing the growing rate of serious prisoner on staff assaults, which are at the highest rate in a decade."

Debate ensued.

Question — That the amendments moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Limbrick; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

## NOES, 26

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; 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; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

Original question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 317, be postponed until later this day.

**8 BARLEY TARIFFS** — Mr Davis moved, That this House opposes the unjustified special tariffs imposed on Victorian barley by the Chinese Communist Party Government and calls for these unjustified tariffs to be removed immediately.

*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.

\* \* \* \* \*

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

- **Latrobe Valley Hospital obstetrics** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 4 June 2020.
- **Latrobe University borrowings** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Tierney due Thursday, 4 June 2020.
- **Temporary ban on sale of firearms and ammunition during pandemic** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 5 June 2020.

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

**11 BARLEY TARIFFS** — Debate continued on the question, That this House opposes the unjustified special tariffs imposed on Victorian barley by the Chinese Communist Party Government and calls for these unjustified tariffs to be removed immediately.

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

Question — put and agreed to.

**12 CULLING OF BRUMBIES** — Ms Lovell moved, That this House calls on the Andrews Labor Government to cease its plan for the broadscale shooting of brumbies in Victorian national parks.

Debate ensued.

Question — put and agreed to.

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

**14 INAUGURAL SPEECH — MR LEE TARLAMIS** — Pursuant to Standing Order 5.08, Mr Lee Tarlamis made his inaugural speech.

**15 ADJOURNMENT** — Ms Symes 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 6.42 p.m., adjourned until tomorrow.

## No. 62 — Thursday, 4 June 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS —**  
**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE** — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Report on the Inquiry into the impact of animal rights activism on Victorian agriculture.  
 \* \* \* \* \*
- PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to a direction of an Act of Parliament, was laid on the Table by the Clerk:  
 Freedom of Information Act 1982 — Pursuant to section 65AB(2) of the Act, a Statement of reasons for Monash University seeking leave under section 148 of the Victorian Civil and Administrative Tribunal Act 1998 to appeal on a question of law.
- 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 June 2020.  
 Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 207 to 276, be postponed until later this day.
- 6 **CRIMES AMENDMENT (MANSLAUGHTER AND RELATED OFFENCES) BILL 2020** —  
 Debate resumed on the question, That the Bill be now read a second time.  
 Amendments proposed to be moved in Committee by Ms Maxwell 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 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.
- 7 **GREAT OCEAN ROAD AND ENVIRONS PROTECTION 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 —*
- 8 **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.  
 \* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
- **Former Footscray Psychiatric Hospital** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Tuesday, 9 June 2020.
  - **Supporting registered commercial passenger vehicles during pandemic** — substantive question asked by Mr Barton — response from Ms Symes due Tuesday, 9 June 2020.
- 9 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 10 **GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Meddick, Mr Grimley and Ms Pulford were circulated.

Dr Ratnam moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to ensure that the Great Ocean Road Coast and Parks Authority does not take over responsibility for managing National Parks in the Great Ocean Road region.”.

Debate ensued.

Question — That the reasoned amendment moved by Dr Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Atkinson; Mr Hayes; Dr Ratnam.

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

NOES, 35

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O’Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

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

Question negatived.

Question — That the Bill be now read a second time — 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, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**11 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020** — 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.

Pursuant to a temporary order of the Council of 23 April 2020, the President, being satisfied that only one Member or minor party was voting against the third reading, Mr Bourman’s dissent was recorded.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 12 RETAIL LEASES AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and the Retail Leases Act 2003 in relation to the obligations of landlords and tenants under retail premises leases in respect of essential safety measures and various other matters and for other purposes* and requesting the agreement of the Council.

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

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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.

- 13 PETROLEUM LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Petroleum Act 1998 and the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and for other purposes* and requesting the agreement of the Council.

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

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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.

- 14 WAGE THEFT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to create offences relating to the theft of employee entitlements and the keeping of records relating to employee entitlements, to establish the Wage Inspectorate Victoria and for other purposes* and requesting the agreement of the Council.

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

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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.

- 15 ADJOURNMENT** — Ms Tierney 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 6.32 p.m., adjourned until Tuesday, 16 June 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 60, 61 and 62

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### NORTH EAST LINK BILL 2020

*Committed Tuesday, 2 June 2020*

*Amendments circulated: Dr Bach (p. 456), Mr Barton (p. 456), Dr Cumming (p. 457), Dr Ratnam (p. 457) and Mr Rich-Phillips (p. 457)*

**Clauses 1 to 7** — put and agreed to.

**Clause 8** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Dr Ratnam.

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

NOES, 33

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

Clause 8 — put and agreed to.

**Clauses 9 to 49** — put and agreed to.

**Clause 50** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

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

NOES, 21

Mr Bourman; Dr Cumming; Mr Elasmar; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

Clause 50 — put and agreed to.

**Clauses 51 to 57** — put and agreed to.

**Clause 58** — Mr Barton moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Rich-Phillips.

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

NOES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Mikakos; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

Clause 58 — put and agreed to.

**Clause 59** — Dr Bach moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

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

NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

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

Mr Barton moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

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

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

NOES, 29

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

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

Question negated.

Dr Cumming moved Amendment No. 1.

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



Pursuant to a temporary order of the Council of 23 April 2020, the Deputy President, being satisfied that only one Member or minor party was voting in favour of the amendment, Dr Cumming's dissent was recorded.

Clause 59 — put and agreed to.

**Clauses 60 to 165** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020**

*Committed Tuesday, 2 June 2020*

*Amendments circulated: Ms Crozier (pp. 457-8)*

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

**Clause 1** — Ms Crozier moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

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

NOES, 22

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 14** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **CRIMES AMENDMENT (MANSLAUGHTER AND RELATED OFFENCES) BILL 2020**

*Committed Thursday, 4 June 2020*

*Amendments circulated: Ms Maxwell (p. 458)*

**Clause 1** — Ms Maxwell moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Maxwell moved Amendment No. 2 — put and negatived.

Clause 3 — put and agreed to.

**Clause 4** — Ms Maxwell moved Amendment No. 3 — put and negatived.

Clause 4 — put and agreed to.

**Clause 5** — Ms Maxwell moved Amendment No. 4 — put and negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 27** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019**

*Committed Thursday, 4 June 2020*

*Amendments circulated: Mr Grimley (p. 459), Mr Meddick (p. 459) and Ms Pulford (p. 460)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Meddick moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.

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

NOES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; 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; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

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

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 47** — put and agreed to.

**Clause 48** — Ms Pulford moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put and agreed to.

Clause 48, as amended — put and agreed to.

**Clauses 49 to 55** — put and agreed to.

**Clause 56** — Mr Grimley moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips.

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

NOES, 22

Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Clause 56 — put and agreed to.

**Clauses 57 to 118** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020**

*Committed Thursday, 4 June 2020*

**Clauses 1 to 13** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. NORTH EAST LINK BILL 2020

#### Amendments circulated by Dr Bach

1. Clause 59, line 7, after "road" insert "other than the Eastern Freeway".
2. Clause 59, page 40, after line 6 insert—

"(6) In this section—

**Eastern Freeway** means that part of the Eastern Freeway, or any other road, between Hoddle Street and Bulleen Road."

#### Amendments circulated by Mr Barton

1. Clause 58, line 25, before "The relevant" insert "(1)".
2. Clause 58, after line 29 insert—
  - "(2) Despite subsection (1) or anything in a North East Link tolling agreement, a toll cannot be fixed or imposed in respect of the use of any of the following vehicles in a toll zone on the North East Link road—
    - (a) a vehicle displaying a taxi number plate issued under the **Road Safety Act 1986**;
    - (b) a vehicle displaying a VH number plate;
    - (c) a bus operating a route bus service.
  - (3) In this section—
 

**bus** has the same meaning as in the **Bus Safety Act 2009**;

**route bus service** has the same meaning as in the **Bus Safety Act 2009**;

**VH number plate** means—

    - (a) a VHA, VHB or VHC series number plate previously issued under the **Road Safety Act 1986**;
    - (b) a number plate in the series VHD 004 to VHZ 999 bearing the words "Commercial Passenger Vehicle" issued under the **Road Safety Act 1986**."
3. Clause 59, after line 24 insert—
  - "(2A) Despite anything to the contrary in this Act or a North East Link tolling agreement, the toll fixed in respect of the use of a cab chassis utility vehicle or a light truck in a toll zone must be the same as the toll fixed in respect of the use of a passenger car in that toll zone.
  - (2B) In subsection (2A)—
 

**heavy vehicle** has the same meaning as in the Heavy Vehicles National Law (Victoria);

**light truck** means a truck (within the meaning of the **Road Safety Act 1986**) that is not a heavy vehicle;

**passenger car** has the same meaning as in the **Duties Act 2000**."

Amendments circulated by Dr Cumming

1. Clause 59, after line 24 insert—

"(2A) Despite anything to the contrary in this Act or a North East Link tolling agreement, the toll fixed in respect of the use of a cab chassis utility vehicle in a toll zone, being a cab chassis utility vehicle used primarily for non-commercial purposes, must be the same as the toll fixed in respect of the use of a passenger car (within the meaning of the **Duties Act 2000**) in that toll zone."

Amendments circulated by Dr Ratnam

1. Clause 8, line 13, before "may" insert "subject to sections 15A and 15B".

## NEW CLAUSES

2. Insert the following New Clauses to follow clause 15—

**"15A Acquisition and disposal of real and personal property**

The North East Link State Tolling Corporation must not acquire or dispose of real or personal property without the prior approval, by resolution, of both Houses of the Parliament, if the total real or personal property being acquired or disposed of (together with any other such acquisitions or dispositions during the last 12 months) represents an amount in excess of 5% of the value of the Corporation's real and personal property as disclosed in its last audited financial statements under Part 7 of the **Financial Management Act 1994**.

**15B Sale or disposal of main undertaking**

- (1) None of the main undertakings of the North East Link State Tolling Corporation may be sold or disposed of except with the prior approval, by resolution, of both Houses of the Parliament.
- (2) The main undertakings of the North East Link State Tolling Corporation are as specified in the Corporation's most recent corporate plan."

Amendments circulated by Mr Rich-Phillips

1. Clause 50, line 28, omit "each" and insert "either".
2. Clause 52, lines 13 and 14, omit "both Houses" and insert "either House".
3. Clause 52, line 16, omit "each House of the Parliament" and insert "that House".
4. Clause 53, page 36, line 15, omit "each" and insert "either".
5. Clause 55, line 32, omit "both Houses" and insert "either House".
6. Clause 55, line 35, omit "each House of the Parliament" and insert "that House".

**2. DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020**Amendments circulated by Ms Crozier

1. Clause 1, page 2, after line 11 insert—

- "(v) to provide for disability workers regulated under the NDIS to not be subject to an approved code of conduct when in the course of providing services under the NDIS; and".

#### NEW CLAUSES

2. Insert the following New Clauses to follow clause 6—

#### **6A Unregistered disability workers to comply with approved code of conduct**

At the end of section 117 of the Principal Act **insert**—

- "(2) This section does not apply to an unregistered disability worker in the course of providing disability services to persons with a disability under the NDIS.

#### **Note**

A disability worker who is regulated under the NDIS is not regulated by an approved code of conduct when in the course of providing services under the NDIS."

#### **6B Investigation of complaints by Commission**

- (1) Section 119(1)(b)(i), (ii) and (iv) of the Principal Act are **repealed**.  
 (2) In section 119(1)(b)(v) of the Principal Act **omit** "a banning order issued under section 73ZN of the NDIS Act or".

#### **6C Power of Commission to conduct a Commission initiated investigation**

- (1) Section 121(b)(i), (ii) and (iv) of the Principal Act are **repealed**.  
 (2) In section 121(b)(v) of the Principal Act **omit** "a banning order issued under section 73ZN of the NDIS Act or".

#### **6D Action to be taken after investigation ends**

In section 129(a)(iv) of the Principal Act **omit** "the NDIS Quality and Safeguards Commission or".

### **3. CRIMES AMENDMENT (MANSLAUGHTER AND RELATED OFFENCES) BILL 2020**

#### Amendments circulated by Ms Maxwell

1. Clause 1, page 2, lines 15 to 16, omit all words and expressions on these lines.
2. Clause 3, line 5, omit "level 2 imprisonment (25 years maximum)" and insert "level 1 imprisonment (life)".
3. Clause 4, lines 14 to 15, omit "level 2 imprisonment (25 years maximum)" and insert "level 1 imprisonment (life)".
4. Clause 5, line 23, omit "level 2 imprisonment (25 years maximum)" and insert "level 1 imprisonment (life)".
5. Division heading preceding clause 21, omit this heading.
6. Clause 21, omit this clause.
7. Clause 22, omit this clause.

#### 4. GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019

##### Amendments circulated by Mr Grimley

1. Clause 56, page 43, line 1, omit "directors." and insert "directors; and".
2. Clause 56, page 43, after line 1 insert—
  - "(e) at least 3 local residents from within a municipal district of the relevant municipal councils; and
  - (f) at least 3 business owners from within a municipal district of the relevant municipal councils."

##### Amendments circulated by Mr Meddick

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

**"Bells Beach Subcommittee** means a subcommittee appointed under section 49A;

**Bells Beach Surfing Recreational Reserve** means the coastal land between the Southside Car Park and Wave Car Park, including coastal land either side of Bells Beach Road;"
2. 

NEW CLAUSE

Insert the following New Clause to follow clause 49—

**"49A Bells Beach Subcommittee**

  - (1) Despite anything in this Act, the Authority must appoint a subcommittee in respect of the Bells Beach Surfing Recreational Reserve.
  - (2) The function of the Bells Beach Subcommittee is to provide planning advice to the Authority.
  - (3) The Bells Beach Subcommittee consists of 10 members including—
    - (a) 5 surfers who have no financial or vested interests regarding the Bells Beach Surfing Recreational Reserve, one of whom has knowledge of the environment or of biodiversity; and
    - (b) one non-surfer to represent the general community of users of the Reserve; and
    - (c) one Aboriginal person; and
    - (d) one representative of Surfing Victoria; and
    - (e) two other members that the Subcommittee considers are suitable, which may include one representative of the Authority.
  - (4) The Minister and each responsible entity must consider any advice provided by the Bells Beach Subcommittee in the performance of their functions or exercise of their powers under this Act.
  - (5) If the Minister or a responsible entity disregards the advice of the Bells Beach Subcommittee, the reasons for doing so must be published on the Internet site of the Department or the responsible entity."

Amendments circulated by Ms Pulford

1. Clause 48, page 39, line 30, omit "strategy." and insert "strategy; and".
2. Clause 48, page 39, after line 30 insert—
  - "(g) engage with local communities in the development of public land management plans and policies that are of particular relevance to those local communities."
3. Clause 48, page 39, after line 33 insert—
  - "(5) The Authority must publish on its Internet site a report on the outcome of each engagement with a local community.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 63, 64 and 65

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#### No. 63 — Tuesday, 16 June 2020

- 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 10 June 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Assisted Reproductive Treatment Amendment Act 2020*  
*Crimes Amendment (Manslaughter and Related Offences) Act 2020*  
*Disability Service Safeguards Amendment Act 2020*  
*North East Link Act 2020.*

- 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.

\* \* \* \* \*

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

- **National Redress Scheme** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 18 June 2020.
- **Melbourne population growth projections** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 18 June 2020.
- **Justice outcomes for indigenous Victorians** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Thursday, 18 June 2020.

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

- 5 **PETITION — RE-OPEN GILLES STREET PEDESTRIAN CROSSING IN WARRNAMBOOL** — Mr Meddick presented a Petition bearing 853 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to re-open the Gilles Street pedestrian crossing as part of a designated path network from the Warrnambool town centre and the Warrnambool Railway Station, providing access to the Port Fairy to Warrnambool Rail Trail, and the Lake Pertobe precinct.

Ordered to lie on the Table.

- 6 **PAPERS** —

**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 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE INQUIRY INTO AUDITOR-GENERAL'S REPORT NO. 202: MEETING OBLIGATIONS TO PROTECT RAMSAR WETLANDS (2016)** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report from the Public Accounts and Estimates Committee on the Inquiry into Auditor-General's Report No. 202: *Meeting Obligations to Protect Ramsar Wetlands (2016)* (including an Appendix), and further presented Transcripts of Evidence.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Commissioner for Environmental Sustainability Victoria — Framework for the Victorian State of the Environment 2023 Report — Science for Sustainable Development.
- Drugs, Poisons and Controlled Substances Act 1981 — Review of the Medically Supervised Injecting Room.
- Falls Creek Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Mount Hotham Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Multicultural Victoria Act 2011 — Victorian Government Report in Multicultural Affairs, 2018-19.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
  - Ballarat Planning Scheme — Amendment C216 (Part 1).
  - Darebin Planning Scheme — Amendment C189.
  - Glen Eira Planning Scheme — Amendment C206.
  - Greater Bendigo Planning Scheme — Amendment C239.
  - Greater Dandenong Planning Scheme — Amendment C213.
  - Greater Shepparton Planning Scheme — Amendment C212.
  - Kingston Planning Scheme — Amendment C191.
  - Maribyrnong Planning Scheme — Amendment C165.
  - Melbourne Planning Scheme — Amendment C382.
  - Melton Planning Scheme — Amendment C173.
  - Swan Hill Planning Scheme — Amendment C76.
- Southern Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Statutory Rules under the following Acts of Parliament —
  - COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 45.
  - Magistrates' Court Act 1989 — No. 44.
  - Residential Tenancies Act 1997 — No. 48.
  - Road Safety Act 1986 — No. 46.
  - Subordinate Legislation Act 1994 — No. 47.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 36, 41 and 44 to 47.
  - Legislative instruments and related documents under section 16B in respect of the —
    - Fisheries Act 1995 — Initial Quota Order of 5 June 2020 for the eastern octopus zone of the Victorian octopus fishery under section 64 of the Act.
    - Gambling Regulation Act 2003 — Ministerial Direction of 25 May 2020 to implement the National Consumer Protection Framework for Online Wagering under section 4.8A.2 of the Act.

Victorian Inspectorate —  
Annual Plan, 2020-21.

Report 1 July to 31 December 2019, pursuant to section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of 2016-17 report.

**7 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 17 June 2020 —

- (1) the notice of motion given this day by Mr Davis referring the allegations relating to the Hon Adem Somyurek to the Ombudsman for investigation and report;
- (2) Order of the Day for the resumption of debate on the second reading of the Wildlife Rescue Victoria Bill 2020;
- (3) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to the West Gate Tunnel Project;
- (4) Notice of Motion No. 316 standing in the name of Mr Davis in relation to a joint select committee inquiry into international treaties; and
- (5) the notice of motion given this day by Mr Davis referring a matter to the Integrity and Oversight Committee relating to the operation and effectiveness of the *Freedom of Information Act 1982*.

Question — put and agreed to.

**8 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO HOMELESSNESS IN VICTORIA** — Ms Patten moved, by leave, That the Resolutions of the Council of 7 June 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, be amended so as to now require the Committee to present its report by 26 February 2021.

Question — put and agreed to.

**9 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA** — Ms Patten moved, by leave, That the Resolutions of the Council of 30 May 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 1 June 2021.

Question — put and agreed to.

**10 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO MANAGEMENT OF CHILD SEX OFFENDER INFORMATION** — Ms Patten moved, by leave, That the Resolutions of the Council of 28 August 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, on the management of child sex offender information, be amended so as to now require the Committee to present its report no later than 30 August 2021.

Question — put and agreed to.

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

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 276, be postponed until later this day.

**13 PETROLEUM LEGISLATION AMENDMENT BILL 2020** — 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 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 without amendment, the Report was adopted.

Ms Symes 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, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 3

Dr Cumming; Mr Hayes; Mr Meddick.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 WAGE THEFT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

*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.]*

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

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

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

NOES, 13

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

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

Question agreed to.

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

House in Committee.

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

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

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Bill further considered in Committee of the whole.

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

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

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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, 23

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

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

NOES, 13

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

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 GREAT OCEAN ROAD AND ENVIRONS PROTECTION 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.

**16 ADJOURNMENT** — Ms Mikakos 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 11.56 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 64 — Wednesday, 17 June 2020

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

2 **PAPERS** —

**2018-19 SUSTAINABILITY FUND ACTIVITIES REPORT** — Ms Pulford moved, by leave, That there be laid before this House a copy of 2018-19 Sustainability Fund Activities Report.

Question — put and agreed to.

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

\* \* \* \* \*

**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 —

Protecting Critically Endangered Grasslands, June 2020 *(Ordered to be published)*.

Responses to Performance Audit Recommendations 2015-16 to 2017-18, June 2020 *(Ordered to be published)*.

Environment Protection Act 1970 — Sustainability Fund Guidelines, 2020.

Falls Creek Alpine Resort Management Board — Report, 2019.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2019.

Mount Hotham Alpine Resort Management Board — Report, 2019.

Planning and Environment Act 1987 —

Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Whittlesea Planning Scheme Amendment C203.  
Southern Alpine Resort Management Board — Report, 2019.

- 3 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Shing and Mr Tarlamis be participating members of the Standing Committee on Legal and Social Issues.

Debate ensued.

Question — put and agreed to.

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

- 5 OMBUDSMAN REFERRAL — ALLEGATIONS CONCERNING 'BRANCH STACKING'** — Mr Davis moved, That this House —

(1) pursuant to section 16 of the *Ombudsman Act 1973* refers the following matter to the Ombudsman for investigation and report:

(a) allegations aired on *60 Minutes* and in *The Age* that the Hon Adem Somyurek MLC, and other Ministers misused Members' staff and other budget entitlements against the provisions of relevant statutes, guides and rules of the Parliament of Victoria for internal Australian Labor Party purposes, including 'branch stacking';

(b) any other breach of applicable policies, laws or codes in relation to these allegations;

(2) supports other relevant Victorian authorities, including the Independent Broad-based Anti-corruption Commission (IBAC) investigating these allegations for potential corrupt behaviour and breaches of the *Crimes Act 1958* and other Victorian laws;

and requires the Clerk to write to the Victorian Ombudsman and the IBAC Commissioner to convey the terms of this Resolution.

Debate ensued.

Question — put and agreed to.

- 6 WILDLIFE RESCUE VICTORIA BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Ms Bath moved, as a reasoned amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House."

Debate ensued.

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

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

**ALLEGATIONS OF 'BRANCH STACKING' — REFERRAL TO POLICE** — Ms Symes having given answers to a question without notice and supplementary question relating to referring allegations of 'branch stacking' to Victoria Police —

On the motion of Mr Davis, 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:

- **Grants funding to multicultural groups** — substantive and supplementary questions asked by Mr Davis — response from Ms Mikakos due Friday, 19 June 2020.
- **Taxi regulator cooperation with police investigation** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 June 2020.

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

**9 WILDLIFE RESCUE VICTORIA BILL 2020** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Ms Bath*, That all the words after “That” be omitted with the view of inserting in their place “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

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

**10 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL** — Mr Davis moved, That this House —

(1) notes —

- (a) the difficulties in identifying a suitable and safe location for the permanent storage of the PFAS-contaminated waste spoil from the West Gate Tunnel Project;
- (b) the identification as part of the project’s Environmental Effects Statement process of potentially contaminated soil, including PFAS-contaminated soil;

(2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before Wednesday, 22 July 2020, any documents in the possession of the Minister for Planning or his office, the Minister for Transport Infrastructure or her office, the Department of Transport, the Department of Environment, Land, Water and Planning or the Environment Protection Authority (EPA), relating to —

- (a) policies, scientific papers and assessments on the disposal of contaminated soil, specifically soil/spoil removed from tunnelling works including PFAS-contaminated spoil from the West Gate Tunnel Project;
- (b) any and all assessments and examinations of contaminated soil/spoil, including those relating to the West Gate Tunnel Project and the Metro Tunnel Project;
- (c) correspondence, including emails, to and from government, including Ministers, to the EPA on these matters in the last 18 months, including, but not limited to —
  - (i) soil and reuse management plans including the —
    - (aa) West Gate Tunnel Project: West Zone PFAS Data Summary;
    - (bb) West Gate Tunnel Project All Zone PFAS Classification Application;
    - (cc) West Gate Tunnel Project East Zone PFAS Classification to EPA Victoria;
    - (dd) Soil and Spoil Management Plan: West Gate Tunnel Project, dated January 2018;
    - (ee) West Gate Tunnel Project Zone 400 East Major Project Classification Process Stockpile Management;
    - (ff) West Gate Tunnel Project Major Project Classification Process Storage Management: Cat A;
    - (gg) West Gate Tunnel Project Zone 302 Sampling Analysis Quality Plan Attachment 1 Tunnel Spoil Management Plan;
    - (hh) JC201 Tech Memo 010 Tunnel Spoil Management Framework;
  - (ii) waste soil classifications;
  - (iii) internal assessment reports which document the justification for issuing classifications;
  - (iv) supporting emails, drafts and reviews of each assessment report and classification prior to issuing of the classification document; and
  - (v) the EPA, the Department of Environment, Land, Water and Planning and the Department of Transport planning assessments, including impacts on homes, agriculture, waterways, schools and other community facilities, of proposed locations for the permanent storage of PFAS-contaminated spoil, including at the Maddingley Brown Coal site near Bacchus Marsh, the Ravenhall site and the Bulla site.

Debate ensued.

Question — put and agreed to.

**11 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENTS** — Mr Davis moved, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
  - (a) whether the two agreements between the People’s Republic of China and the Victorian Government, also known as the ‘Belt and Road Initiative’, are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
  - (b) the details and background of the proposed further agreement linked to the ‘Belt and Road Initiative’ and whether these are in the public interest of all Victorians;
  - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia’s foreign affairs and trade;
  - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government may seek to sign and report to the Parliament in a timely way to keep the Parliament of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;
- (2) the Committee shall consist of —
  - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
  - (b) four Council Members, comprising two Members from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
- (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Quilty.*

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

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 276, be postponed until later this day.



**14 AMENDMENT 123 TO THE UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AND WHITTLESEA PLANNING SCHEME AMENDMENT C203** — Ms Symes moved, That —

- (1) pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved; and
- (2) pursuant to section 46AH of the *Planning and Environment Act 1987*, Whittlesea Planning Scheme Amendment C203 be ratified.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; 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; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 4

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty.

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

Question agreed to.

**15 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 6.41 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 65 — Thursday, 18 June 2020

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 217 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.

\* \* \* \* \*

**SUPPORT MUSIC VENUES** — Ms Patten presented a Petition bearing 15,690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Music Victoria to develop a package of needs-based financial assistance to protect small to mid-size enterprise music venues until they are able to trade sustainably, put in place a clear and balanced roadmap to reopen at full capacity and provide a fund to support the relaunching of the industry when COVID-19 restrictions are lifted.

Ordered to lie on the Table.

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

\* \* \* \* \*

**AMEND THE NILLUMBIK PLANNING SCHEME** — Mr Quilty presented a Petition bearing 1 signature from a citizen of Victoria requesting that the Legislative Council call on the Government to amend the Nillumbik Planning Scheme by reinstating the land, planning and

infrastructure provisions that were in place prior to 2000, to ensure that such land will continue to be included in all altered or newly declared urban serviced districts for water, sewerage and drainage, and that those infrastructure assets are not eroded or re-directed to others at their expense, and should this action not be undertaken, to ensure that land owners can undertake mediation with the Government to negotiate for compensation on loss and damages.

Ordered to lie on the Table.

### 3 PAPERS —

**HAZELWOOD MINE FIRE INQUIRY IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS REPORT, 2019** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management’s Hazelwood Mine Fire Inquiry Implementation of recommendations and affirmations Report, 2019.

Question — put and agreed to.

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

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor General’s Report on Safety on Victoria’s Roads — Regional Road Barriers, June 2020 (*Ordered to be published*).

Confiscation Act 1997 — Report, 2018-19 by the Chief Commissioner of Victoria Police, pursuant to section 139A of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 51.

Surveillance Devices Act 1999 — Report, 2018-19 by the Game Management Authority, pursuant to section 30L of the Act.

Victorian Environmental Assessment Council — Assessment of Victoria’s Coastal Reserves Final Report, March 2020.

### 4 RIGHT OF REPLY — MR IAN COOK

— Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Ian Cook, Director, I Cook Foods, relating to statements made by the Hon Jenny Mikakos MLC, during Questions without Notice on 3 March 2020.

Ordered to lie on the Table and to be published.

### 5 SITTING OF THE COUNCIL

— Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 4 August 2020.

Mr Davis moved, as an amendment, That the words “Tuesday, 4 August 2020” be **omitted** with a view of **inserting** “Tuesday, 30 June 2020” in their place.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O’Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Original question — That the Council, at its rising, adjourn until Tuesday, 4 August 2020 — 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. 268 to 276, be postponed until later this day.

**8 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

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

*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.

\* \* \* \* \*

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

- **Migrant Worker Centre – international students** — substantive question asked by Mr Davis — response from Ms Symes due Monday, 22 June 2020.
- **Security Industry inquiry** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 22 June 2020.
- **Whittlesea Council dismissal** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 June 2020.

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

**11 RESIGNATION OF PRESIDENT** — The President advised the House that he would leave the Chair and resign from the position of President, effective immediately.

**12 ELECTION OF PRESIDENT** — Pursuant to Standing Order 2.01, the Clerk announced that as there was a vacancy in the office of the President, the House would proceed to the election of a new President of the Council.

Ms Symes, addressing the Clerk, nominated Mr Elasmr to be President.

Ms Mikakos seconded the nomination.

Mr Elasmr, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Elasmr to be elected President.

The Council then calling Mr Elasmr to the Chair, he was taken out of his place by Mr Melhem and Ms Mikakos and conducted to the Chair.

The President took the Chair and made acknowledgements to the Council for the high honour that had been conferred on him.

Mr Davis, Ms Lovell, Dr Cumming, Ms Symes, Ms Mikakos, Mr Atkinson, Mr Melhem, Dr Kieu, Mr Finn and Mr Ondarchie then congratulated the President.

**13 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

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

Amendments proposed to be moved in Committee by Mr O'Donohue and Ms Tierney were circulated.

Question — That the reasoned amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; 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.

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

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Question — That the Bill now be read a second time — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 16

Mr Atkinson; Dr Bach; 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.

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

Question agreed to.

Bill read a second time.

Mr O'Donohue moved, That the Justice Legislation Miscellaneous Amendments Bill 2019 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by Monday, 30 November 2020.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; 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.

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

NOES, 21

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

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

Ms Tierney moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Independent Broad-based Anti-corruption Commission Act 2011* to enable arrest warrants to be applied for and issued in further circumstances relating to witness summonses.

Debate ensued.

Question — put and agreed to.

Bill 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.

Bill reported with amendments, 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, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 16

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

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**14 COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —

- (1) Mr Elasmarr be discharged from the Privileges Committee and the Standing Committee on Economy and Infrastructure;
- (2) Ms Pulford be discharged from the House Committee;
- (3) Mr Leane be a member of the Privileges Committee and the House Committee; and
- (4) Mr Tarlamis be a member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

**15 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

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

Question — put and agreed to.

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

House in Committee.

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

---

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

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Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Symes 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, 33

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

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

NOES, 4

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

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 16 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS 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.

- 17 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and the Child Wellbeing and Safety Act 2005 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 Ms Crozier, the debate was adjourned for one week.

- 18 EDUCATION AND TRAINING REFORM AMENDMENT (REGULATION OF STUDENT ACCOMMODATION) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for the registration of premises at which accommodation services are provided to students enrolled at or attending registered schools and to make minor amendments to that Act and related consequential amendments to the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

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

- 19 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the County Court Act 1958 to establish a Drug Court Division of the County Court and to make consequential and related amendments to certain other Acts, to amend the Limitation of Actions Act 1958 in relation to previously barred causes of action relating to child abuse, to make miscellaneous amendments to the Charities Act 1978 and the Victorian Civil and Administrative Tribunal Act 1998 and to amend the Children, Youth and Families Act 2005 in relation to chairpersons and alternate chairpersons of the Youth Parole Board and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

**20 ADJOURNMENT** — Ms Symes 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 10.56 p.m., adjourned until Tuesday, 4 August 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 63, 64 and 65

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### PETROLEUM LEGISLATION AMENDMENT BILL 2019

*Committed Tuesday, 16 June 2020*

*Amendments circulated: Mr Rich-Phillips (pp. 481-2)*

**Clause 1** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

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

NOES, 22

Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 17** — put and agreed to.

**New Clause** — Mr Rich-Phillips moved Amendment No. 3.

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

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

**Clauses 18 and 19** — put and agreed to.

**New Clause** — Mr Rich-Phillips moved Amendment No. 4.

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

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

**Clauses 20 to 33** — put and agreed to.

**Bill reported without amendment.**

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### **WAGE THEFT BILL 2020**

*Committed Tuesday, 16 June 2020*

*Amendments circulated: Mr O'Donohue (p. 482).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

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

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

NOES, 24

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

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

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 100** — put and agreed to.

**Bill reported without amendments.**

\* \* \* \* \*

### **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019**

*Committed Thursday, 18 June 2020*

*Amendments circulated: Mr O'Donohue (p. 482) and Ms Tierney (pp. 482-8).*

**Clause 1** — Ms Tierney moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson; Dr Bach; 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; 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; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 2

Mr Limbrick; Mr Quilty.

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

Question agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

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

NOES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**New Part Heading and New Clauses** — Ms Tierney moved Amendment Nos. 2 and 3.

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

**Clauses 8 to 27** — put and agreed to.

**Long Title** — Ms Tierney moved Amendment No. 4 — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

**SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020**

*Committed Thursday, 18 June 2020*

*Amendments circulated: Mr Grimley (p. 488).*

**Clause 1** — Mr Grimley moved Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**New Clause** — Mr Grimley moved Amendment No. 2.

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

**Clauses 6 to 20** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PETROLEUM LEGISLATION AMENDMENT BILL 2019**Amendments circulated by Mr Rich-Phillips

1. Clause 1, line 9, after "2021" insert "or other date approved by the Minister".
2. Clause 6, lines 25 to 27, omit all words and expressions on these lines and insert—  
 'For the definition of **moratorium period** in section 17A(5) of the Principal Act  
**substitute—**  

**"moratorium period** means the period beginning on the day on which the  
**Resources Legislation Amendment (Fracking Ban) Act 2017** comes into  
 operation and ending on the earlier of the following days—

  - (a) 30 June 2021;
  - (b) if the Minister approves another day as the final day of the moratorium  
 period and notifies the holders of all relevant authorities, that day;".'

## NEW CLAUSES

3. Insert the following New Clause to follow clause 17—  
**'17A New section 101A inserted**  

After section 101 of the Principal Act **insert—**  
**"101A Statutory condition relating to natural gas**

  - (1) Despite anything to the contrary in this Act or any condition of an authority, an authority is subject to the condition that the holder of the authority must not extract or recover natural gas from private land as part of a petroleum operation under the authority unless the holder obtains written consent from the owner of that land for the extraction or recovery.
  - (2) Despite anything to the contrary in this Act, this condition cannot be varied.
  - (3) In this section—  
**natural gas** means—
    - (a) any naturally occurring hydrocarbon in a gaseous state; or
    - (b) any naturally occurring mixture of hydrocarbons in a gaseous state.".'
4. Insert the following New Clauses to follow clause 19—  
**'19A Liability for, and rate of, royalty**
  - (1) In section 149(1) of the Principal Act, after "Minister" **insert** "and, in the case of natural gas extracted or recovered from private land, the owner of the land".
  - (2) After section 149(2) of the Principal Act **insert—**  
 "(3) In this section—  
**natural gas** means—
    - (a) any naturally occurring hydrocarbon in a gaseous state; or
    - (b) any naturally occurring mixture of hydrocarbons in a gaseous state.".'

**19B Rate of royalty**  
 At the end of section 150 of the Principal Act **insert—**

- "(2) If a royalty is to be paid under this Part in respect of natural gas extracted or recovered from private land, the holder of the petroleum licence must pay—
- (a) 90% of the royalty to the Minister; and
  - (b) 10% of the royalty to the owner of that land.".

## 2. WAGE THEFT BILL 2020

### Amendments circulated by Mr O'Donohue

1. Clause 2, line 11, omit "2021" and insert "2022".
2. Clause 100, line 26, omit "2022" and insert "2023".

## 3. JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

### Amendments circulated by Mr O'Donohue

1. Clause 5, line 24, after "percentage" insert "(not exceeding 35%)".
2. Clause 5, page 4, line 15, after "(1)(a)" insert ", provided that the amended percentage does not exceed 35% of the amount of any award or settlement that may be recovered in the proceeding".

### Amendments circulated by Ms Tierney

1. Clause 1, page 2, after line 9 insert—
 

"(ca) to amend the **Independent Broad-based Anti-corruption Commission Act 2011** to enable arrest warrants to be applied for and issued in further circumstances relating to witness summonses; and".
2. Page 7, after line 25 insert the following heading—

### **"Part 4A—Amendment of Independent Broad-based Anti-corruption Commission Act 2011".**

#### NEW CLAUSES

3. Insert the following New Clauses to follow clause 7 and the heading proposed by amendment number 2—

#### **'7A Definitions**

In section 3(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**—

- (a) for the definition of **arrest warrant substitute**—

**"arrest warrant** means a warrant to arrest a person issued under—

- (a) section 139(2); or
- (b) section 141A(2); or
- (c) section 141B(2); or
- (d) section 141C(2); or
- (e) section 153(1);";

(b) **insert** the following definition—

**"audio visual link** has the same meaning as in Part IIA of the **Evidence (Miscellaneous Provisions Act) 1958;**"

#### **7B Delegations**

In section 32(5) of the **Independent Broad-based Anti-corruption Commission Act 2011**, for "and 139(1)" **substitute** ", 139(1), 141A(1), 141B(1) and 141C(1)".

#### **7C Warrant to arrest witness who fails to appear**

- (1) In section 139(4) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under this section".
- (2) In section 139(5) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "under this section".

#### **7D Bail for person arrested**

In section 140(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under section 139(2)".

#### **7E Person held in custody**

In section 141(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under section 139(2)".

#### **7F New Divisions 2A and 2B inserted**

After section 141 of the **Independent Broad-based Anti-corruption Commission Act 2011 insert**—

### **"Division 2A—Warrant to arrest for likely failure to comply with witness summons in certain circumstances**

#### **141A Warrant to arrest potential witness who has not yet been summoned**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and
  - (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) a witness summons has not been issued under section 120(1) in respect of the person; and
  - (d) the IBAC believes on reasonable grounds that—
    - (i) the person is about to leave, is making preparations to leave, or is likely to leave, the State; and
    - (ii) if a witness summons were issued under section 120(1), including a summons requiring immediate attendance under section 124(2), the person would be unlikely to attend before the IBAC, unless the person were arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
  - (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and

- (ii) the belief under subsection (1)(d); and
- (b) the granting of an arrest warrant is reasonable having regard to—
  - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
  - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
- (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141B Warrant to arrest witness to whom a witness summons has been issued but not served**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and
  - (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) a witness summons has been issued under section 120(1) in respect of the person but not served; and
  - (d) the IBAC believes on reasonable grounds that—
    - (i) the person is evading, attempting to evade, or likely to attempt to evade, service of the witness summons; and
    - (ii) the person is unlikely to attend before the IBAC in accordance with the witness summons, unless the person is arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
  - (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and
    - (ii) the belief under subsection (1)(d); and
  - (b) the granting of an arrest warrant is reasonable having regard to—
    - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
    - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
  - (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141C Warrant to arrest witness to whom a witness summons has been issued and served**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and



- (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) the person has been duly served with a witness summons issued under section 120(1); and
  - (d) the IBAC believes on reasonable grounds that the person is unlikely to attend before the IBAC in accordance with the witness summons, unless the person is arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
- (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and
    - (ii) the belief under subsection (1)(d); and
  - (b) the granting of an arrest warrant is reasonable having regard to—
    - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
    - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
  - (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141D Matters relating to an arrest warrant issued under section 141A(2), 141B(2) or 141C(2)**

- (1) The rules to be observed with respect to warrants to arrest under the **Magistrates' Court Act 1989** (other than section 62 or 64(2), (3) or (4)) extend and apply to an arrest warrant issued under section 141A(2), 141B(2) or 141C(2).
- (2) A person arrested under an arrest warrant issued under section 141A(2) or 141B(2) must be served with a witness summons issued under section 120(1) as soon as practicable after the arrest.
- (3) The issue of an arrest warrant under section 141A(2), 141B(2) or 141C(2), or the arrest of a person under that warrant, does not relieve the person from any liability for non-compliance with a witness summons duly served on the person before or after the arrest.

**141E Arrest warrant under section 141A, 141B or 141C may be granted by telephone or audio visual link in certain circumstances**

- (1) An application by the IBAC for an arrest warrant under section 141A(1), 141B(1) or 141C(1) may be made by telephone or audio visual link if the IBAC believes on reasonable grounds that—
  - (a) the application is urgent; and
  - (b) the person to be named in the arrest warrant is about to leave the State.
- (2) An application made by telephone or audio visual link for an arrest warrant must be supported by—
  - (a) an affidavit setting out the grounds for an arrest warrant under section 141A(1), 141B(1) or 141C(1), as the case requires, and the grounds for the belief under subsection (1), that is—

- (i) sworn or affirmed; or
- (ii) if it is not reasonably practicable for the affidavit to be sworn or affirmed, a prepared copy of the affidavit that is not sworn or affirmed; or
- (b) if it is not reasonably practicable for an affidavit to be prepared, as much information as the Judge of the Supreme Court deciding the application considers is reasonably practicable in the circumstances, regarding—
  - (i) the grounds for an arrest warrant under section 141A(1), 141B(1) or 141C(1), as the case requires; and
  - (ii) the grounds for the belief under subsection (1).
- (3) If the IBAC makes an application by telephone or audio visual link for an arrest warrant that is supported by an affidavit (whether or not sworn or affirmed), the IBAC must transmit by electronic communication a copy of the affidavit to the Judge of the Supreme Court deciding the application.
- (4) A Judge of the Supreme Court may issue an arrest warrant under section 141A(2), 141B(2) or 141C(2) on an application made by telephone or audio visual link if satisfied that—
  - (a) the grounds for issuing an arrest warrant under section 141A(2), 141B(2) or 141C(2) are satisfied; and
  - (b) there are reasonable grounds for the belief under subsection (1).
- (5) If a Judge of the Supreme Court issues an arrest warrant under section 141A(2), 141B(2) or 141C(2) on an application made by telephone or audio visual link, the Judge must—
  - (a) inform the IBAC of the issue of the arrest warrant; and
  - (b) if practicable, transmit by electronic communication a copy of the arrest warrant to the IBAC.
- (6) If it is not practicable to transmit by electronic communication a copy of the arrest warrant to the IBAC, the Judge may direct the IBAC to—
  - (a) complete a form of arrest warrant in the terms stated to the IBAC by the Judge of the Supreme Court and write on it the name of the Judge and the date on which and the time at which the arrest warrant was issued; and
  - (b) provide the form of arrest warrant completed by the IBAC to the Judge of the Supreme Court as soon as practicable.
- (7) If the IBAC makes an application to a Judge of the Supreme Court by telephone or audio visual link for an arrest warrant, whether or not an arrest warrant is issued, the IBAC must provide to the Judge, not later than the day following the day on which the application was made, a sworn or affirmed affidavit setting out the grounds for the arrest warrant in the same terms stated by the IBAC under subsection (2).
- (8) If an application under section 141A(1), 141B(1) or 141C(1) is made by telephone or audio visual link and the application is supported by a prepared affidavit specified in subsection (2)(a)(ii) or information specified in subsection (2)(b), a Judge of the Supreme Court may issue an arrest warrant under section 141A(2), 141B(2) or 141C(2) despite the evidence not being given under oath or affirmation.

**141F Person arrested must be brought before the Supreme Court or Magistrates' Court**

- (1) A person arrested under an arrest warrant issued under section 141A(2), 141B(2) or 141C(2) must be brought, as soon as practicable, before the Supreme Court or

the Magistrates' Court and the Supreme Court or the Magistrates' Court (as the case requires) may—

- (a) discharge the person from custody on bail in accordance with the **Bail Act 1977** as if the person had been accused of an offence; or
  - (b) subject to subsection (2), order the continued detention of the person in a prison or police gaol, for the purpose of ensuring the person's attendance before the IBAC, for a specified period not exceeding 24 hours or until the person is excused by the IBAC, whichever is earlier; or
  - (c) order that the person be discharged from custody unconditionally.
- (2) The Supreme Court or the Magistrates' Court must not make an order under subsection (1)(b) unless the Supreme Court or the Magistrates' Court (as the case requires) is satisfied that—
- (a) detention of the person is necessary for the purpose of ensuring the person's attendance before the IBAC for the purposes of a witness summons issued under section 120(1); and
  - (b) the IBAC is taking all reasonable steps to schedule the attendance as soon as is practicable.
- (3) If a person is detained in a prison in accordance with an order made under subsection (1)(b), the IBAC may give a written direction for the person to be delivered into the custody of a police officer for the purpose of bringing the person before the IBAC.
- (4) If a person is detained in accordance with an order made under subsection (1)(b), the IBAC must, before the expiration of the period of detention specified in the order—
- (a) release the person from custody unconditionally; or
  - (b) cause the person to be again brought before the Supreme Court or the Magistrates' Court.
- (5) If a person is brought before the Supreme Court or the Magistrates' Court in accordance with subsection (4)(b), the Supreme Court or the Magistrates' Court (as the case requires) may exercise any of the powers set out in subsection (1).

#### **Note**

A person discharged or released from custody unconditionally is not relieved from any obligation to comply with a witness summons requiring attendance at a later date.

## **Division 2B—General provisions in respect of arrest warrant issued under Division 2 or 2A**

### **141G Person arrested under arrest warrant issued under Division 2 or 2A to be given opportunity to seek legal advice or legal representation**

- (1) Subject to section 127 and subsection (2), the IBAC is required to give a person arrested under an arrest warrant issued under Division 2 or 2A a reasonable opportunity to seek legal advice or obtain legal representation before the time specified for the person to attend before the IBAC in accordance with a witness summons issued under section 120(1).
- (2) Despite section 127(6), if the IBAC gives a direction under section 127(2), the IBAC is not required to allow the person bound by the direction at least 3 days from the receipt of the direction to obtain legal advice or representation by another Australian legal practitioner before the person is required to attend before the IBAC in accordance with the witness summons issued under section 120(1)."

**7G Report to Victorian Inspectorate on issue of arrest warrant**

In section 142 of the **Independent Broad-based Anti-corruption Commission Act 2011**, for "this Division" substitute "Division 2 or 2A".

**7H New Part 10 inserted**

After section 198 of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

**"Part 10—Transitional provisions****199 Transitional provision—Justice Legislation Miscellaneous Amendments Act 2020**

- (1) The amendments made to this Act by the **Justice Legislation Miscellaneous Amendments Act 2020** apply to an investigation under section 60 of this Act on or after the commencement of the **Justice Legislation Miscellaneous Amendments Act 2020** regardless of whether the investigation commenced prior to that commencement.
- (2) The IBAC may apply for an arrest warrant to be issued under section 141B(2) or 141C(2) in respect of a witness summons issued under section 120(1) prior to that commencement for the purposes of the investigation.".'.

4. Long title, before "the **Local**" insert "the **Independent Broad-based Anti-corruption Commission Act 2011**".

**4. SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020***Amendments circulated by Mr Grimley*

1. Clause 1, line 7, after "others" insert "and to require a review of the amendments made by this Act to be undertaken".

## NEW CLAUSE

2. Insert the following New Clause to follow clause 5—  
**"5A New section 116A inserted**

After section 116 of the **Sentencing Act 1991** insert—

**"116A Review of amendments made by Sentencing Amendment (Emergency Worker Harm) Act 2020**

- (1) The Minister must cause a review to be undertaken of the operation and effectiveness of the amendments made by the **Sentencing Amendment (Emergency Worker Harm) Act 2020** as soon as practicable after the period of 12 months after the day on which that Act came into operation.
- (2) The Minister must cause a report on the outcome of the review to be laid before each House of Parliament as soon as practicable after the review is completed.".'.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 66

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### No. 66 — Tuesday, 4 August 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 23 June 2020 —
    - Great Ocean Road and Environs Protection Act 2020*
    - Petroleum Legislation Amendment Act 2020*
    - Wage Theft Act 2020*
  - On 30 June 2020 —
    - Justice Legislation Miscellaneous Amendments Act 2020*
    - Sentencing Amendment (Emergency Worker Harm) Act 2020.*
- 3 **SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **TEMPORARY ORDERS — QUORUM AND PAIRING ARRANGEMENTS** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place for the remainder of the sitting day —
  1. **Discretion in ringing the bells to form a quorum**

To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.
  2. **Formal pairing arrangements**
    - (1) Four Government Members and four Opposition Members will be formally paired and must not participate in a division.
    - (2) A Government representative and an Opposition representative must advise the Clerk at the Table of names of Members being paired while the division bells are ringing.
    - (3) A paired Member will not be included in the final vote.
    - (4) Members names will be listed in the Minutes of the Proceedings for each division as having been paired.

Debate ensued.

Question — put and agreed to.

**5 TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the day the House next sits —

**1. Order of Business**

The Order of Business today will be —

Questions

Answers to Questions on Notice

Constituency Questions (up to 45 questions)

Formal Business

Members' Statements (up to 45 statements, by incorporation only)

Government Business

**At 3.00 p.m.** Adjournment (up to 20 Members).

**2. Business to be incorporated only in Hansard**

- (1) Members shall submit Members' Statements by providing them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 Members' Statements. One Member may not submit more than three statements.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

**3. Business that may be incorporated in Hansard**

- (1) If a Member wishes to incorporate:
  - (a) constituency questions; and/or
  - (b) adjournment debate matters —they may provide them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 constituency questions either delivered in the House or submitted for incorporation. One Member may not ask more than three questions.
- (3) The Clerk may only accept 20 adjournment debate matters either delivered in the House or submitted for incorporation.
- (4) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred and after any matters (if any) that have been given in the House.
- (5) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (6) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

**4. Members may incorporate their speeches for Bills**

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any Bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the Bill was debated.

- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

#### **5. Next sitting of the House**

- (1) The Council, at its rising, adjourn until Tuesday, 18 August 2020, at a time to be determined by the President, or an earlier day and hour to be fixed by the President.
- (2) If, in the opinion of the President, the next scheduled sitting or a rescheduled sitting should not proceed on the basis of health advice from the Chief Health Officer, the President will consult with the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, to delay the next meeting and set a future day and hour to meet.
- (3) The President shall make available the advice from the Chief Health Officer to all Members.
- (4) The President will notify Members of any changes to the next sitting date.

#### **6. Acting Presidents**

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting Presidents may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

#### **7. Questions on notice and Answers to questions on notice**

Standing Orders 8.01(2), 8.09 and 8.12 are suspended and the following will apply:

- (1) A Member may lodge a written question on notice by providing it electronically to the Table Office.
- (2) A question on notice lodged with the Table Office must be provided in a manner that clearly identifies the Member asking the question.
- (3) Questions on notice may be asked on non-sitting days.
- (4) Questions on notice lodged on a day when the House is not sitting will be published on the Council's website on the next business day after they are lodged and will be included in the next Notice Paper published.
- (5) A question on notice will be considered as asked on the date it is published on the Council's website and a response is due within 30 days.
- (6) When an answer to a question on notice is provided in writing or electronically to the Table Office it will be given to the Member who asked the question and will be published.
- (7) After questions without notice have concluded a Minister will advise the Council the numbers of the questions on notice to which answers have been provided since the last sitting day.

Debate ensued.

Question — put and agreed to.

#### **6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and a Minister's Statement was made pursuant to Sessional Order 13.

**DOHERTY REPORT INTO COVID-19 MODELLING** — Ms Mikakos having given an answer to a question without notice relating to the Doherty Report into COVID-19 modelling —

On the motion of Mr Finn, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice 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:

- **Management of hotel quarantine security** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **COVID-19 elimination strategy** — substantive and supplementary questions asked by Mr Hayes — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Doherty Report into COVID-19 modelling** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Release of COVID-19 health order information** — substantive and supplementary questions asked by Mr Davis — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Utilisation and capacity of ICU beds** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Mikakos due Wednesday, 5 August 2020.
- **COVID-19 contact tracing** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Support packages for hire car drivers during COVID-19 pandemic** — substantive and supplementary questions asked by Mr Barton — response from Ms Mikakos due Thursday, 6 August 2020.
- **Local Government elections 2020** — substantive and supplementary questions asked by Dr Cumming — response from Mr Leane due Wednesday, 5 August 2020.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**8 PETITION — PROTECT BRUMBIES** — Ms Lovell presented a Petition bearing 14,671 signatures from certain citizens of Victoria requesting that Legislative Council call on the Government to abandon plans to remove all brumbies from the Bogong High Plains, Barmah and Eastern Alps and instead manage sustainable brumby populations, introduce legislation to protect brumby bloodlines and establish scientific and community advisory panels to participate in all future decisions for brumby populations, which should include a representative from key brumby organisations.

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.

**9 VICTORIAN LAW REFORM COMMISSION AMENDMENT BILL 2020** — Mr Grimley introduced *A Bill for an Act to amend the Victorian Law Reform Commission Act 2000 to provide for the making and consideration of referrals from the public to the Commission, for related matters and for other purposes.*

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

**10 PAPERS** —

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO HOMELESSNESS IN VICTORIA — INTERIM REPORT** — Pursuant to Standing Order 23.29, Ms Patten presented an Interim Report from the Legal and Social Issues Committee on the Inquiry into homelessness in Victoria (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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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC — INTERIM REPORT —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented an Interim Report from the Public Accounts and Estimates Committee on the Inquiry into the Victorian Government's response to the COVID-19 pandemic (including Appendices, Extracts 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.

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

Question — put and agreed to.

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**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD —**

Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into the closure of I Cook Foods Pty Ltd (including Appendices, Transcripts of Evidence, Extracts of Proceedings and a Minority Report).

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*, Ms Taylor presented Alert Digest No. 7 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**AUDITOR-GENERAL — ANNUAL PLAN 2020-21 —** Pursuant to section 74(3)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Annual Plan 2020-21.

\* \* \* \* \*

**PARLIAMENTARY BUDGET OFFICE OPERATIONAL PLAN 2020-21 —** Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, the Clerk laid on the Table a copy of the Parliamentary Budget Office's Operational Plan 2020-21, June 2020.

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**OMBUDSMAN — OMBUDSMAN'S RECOMMENDATIONS – THIRD REPORT —** Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Ombudsman's recommendations – third report, June 2020.

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**OMBUDSMAN — INVESTIGATION INTO THE PLANNING AND DELIVERY OF THE WESTERN HIGHWAY DUPLICATION PROJECT —** Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the planning and delivery of the Western Highway duplication project, July 2020.

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**AUDITOR-GENERAL — RESULTS OF 2019 AUDITS: TECHNICAL AND FURTHER EDUCATION INSTITUTES —** Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Results of 2019 Audits: Technical and Further Education Institutes, June 2020.

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**AUDITOR-GENERAL — RESULTS OF 2019 AUDITS: UNIVERSITIES —** Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Results of 2019 Audits: Universities, June 2020.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE 2017-18 AND 2018-19 FINANCIAL AND PERFORMANCE OUTCOMES** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Public Accounts and Estimates Committee's Report on the Inquiry into the 2017-18 and 2018-19 financial and performance outcomes.

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**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT ON OPERATION GLOUCESTER** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Special Report on Operation Gloucester: An investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the murders of Sergeant Gary Silk and Senior Constable Rodney Miller, July 2020.

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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:

- Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan 2020-2025, pursuant to section 33E of the Act.
- Audit Act 1994 — Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office, 31 July 2020, pursuant to section 83(4) of the Act.
- Crown Land (Reserves) Act 1978 —
  - Minister's Order of 1 April 2020 giving approval to the granting of a licence at Seaford Foreshore Reserve.
  - Minister's Order of 7 June 2020 giving approval to the granting of a lease at Merricks Beach Foreshore Reserve.
  - Minister's Order of 18 June 2020 giving approval to the granting of a licence at Gasworks Park Reserve.
  - Minister's Order of 18 June 2020 giving approval to the granting of a lease at Gasworks Park Reserve.
  - Minister's Order of 25 June 2020 giving approval to the granting of a lease at Sandringham Beach Park.
- Melbourne Cricket Ground Trust — Report, year ended 31 March 2020.
- Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2019-20 Budget Estimates.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
  - Bayside Planning Scheme — Amendments C162 and C179.
  - Boroondara Planning Scheme — Amendment C327.
  - Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira and Swan Hill Planning Schemes — Amendment GC160.
  - Cardinia Planning Scheme — Amendments C235 and C263.
  - Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham Planning Schemes — Amendment GC150.
  - Colac Otway Planning Scheme — Amendments C103 and C108.
  - Darebin Planning Scheme — Amendment C190.
  - Glen Eira Planning Scheme — Amendments C213, C215 and C216.
  - Golden Plains Planning Scheme — Amendment C90.
  - Greater Dandenong Planning Scheme — Amendments C223 and C225.
  - Greater Geelong and Surf Coast Planning Schemes — Amendment GC104.
  - Greater Geelong Planning Scheme — Amendments C372, C415 and C416.
  - Indigo Planning Scheme — Amendment C76.
  - Kingston Planning Scheme — Amendment C196.
  - Latrobe Planning Scheme — Amendments C114 and C115.
  - Macedon Ranges Planning Scheme — Amendment C138.
  - Melbourne Planning Scheme — Amendments C258 and C389.

- Mildura Planning Scheme — Amendment C110.
  - Moreland Planning Scheme — Amendment C209.
  - Mornington Peninsula Planning Scheme — Amendment C276.
  - Nillumbik Planning Scheme — Amendment C125.
  - Port Phillip Planning Scheme — Amendments C142, C160, C168 and C191.
  - South Gippsland Planning Scheme — Amendment C116.
  - Southern Grampians Planning Scheme — Amendment C59.
  - Stonnington Planning Scheme — Amendment C305.
  - Warrnambool Planning Scheme — Amendment C103.
  - Whitehorse Planning Scheme — Amendments C216, C219 and C226.
  - Whittlesea Planning Scheme — Amendments C127, C203, C228, C243 and C248.
- Statutory Rules under the following Acts of Parliament —
- Assisted Reproductive Treatment Act 2008 — No. 64.
  - Cemeteries and Crematoria Act 2003 — No. 71.
  - Commercial Passenger Vehicle Industry Act 2017 — No. 65.
  - Disability Act 2006 — Nos. 59 and 60.
  - Domestic Animals Act 1994 — No. 52.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 73.
  - Electricity Safety Act 1998 — No. 50.
  - Electronic Transactions (Victoria) Act 2000 — No. 70.
  - Environment Protection Act 1970 — No. 62.
  - Fire Rescue Victoria Act 1958 — Nos. 68 and 69.
  - Fisheries Act 1995 — No. 51.
  - Health Services Act 1988 — No. 77.
  - Local Government Act 2020 — City of Melbourne Act 2001 — No. 72.
  - Marine Safety Act 2010 — No. 63.
  - Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 — No. 61.
  - Mineral Resources (Sustainable Development) Act 1990 — Nos. 55 and 56.
  - Occupational Health and Safety Act 2004 — No. 78.
  - Public Health and Wellbeing Act 2008 — No. 76.
  - Sex Work Act 1994 — No. 49.
  - Supreme Court Act 1986 — Nos. 53 and 57.
  - Tobacco Act 1987 — No. 54.
  - Victims of Crime Commissioner Act 2015 — No. 66.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 58.
  - Water Act 1989 — Nos. 67, 74 and 75.
- Subordinate Legislation Act 1994 —
- Documents under section 15 —
    - Public Interest Determination of 7 July 2020, under section 42 of the Privacy and Data Protection Act 2014.
    - Rail Safety National Law National Regulations (Fees and Other Measures) Variation Regulations 2020 under section 12 of the Rail Safety National Law Application Act 2013.
    - Statutory Rule Nos. 31, 42, 48, 49, 52, 53, 55 to 75, 77 and 78.
  - Legislative instruments and related documents under Section 16B in respect of —
    - Complaint Handling Standards of 13 May 2020, under the Health Complaints Act 2016.
    - Conservation Area Declaration of 24 June 2020 and Levy Area Declaration of 25 June 2020, under the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020.
    - Conveyancers Professional Indemnity Insurance Order of 28 June 2020, under the Conveyancers Act 2006.
    - Electoral Structure Orders of 7 July 2020 for Bayside City Council, Boroondara City Council, Cardinia Shire Council, Darebin City Council, Dandenong City Council, Kingston City Council, Manningham City Council, Maroondah City Council,

Mitchell Shire Council, Murrindindi Shire Council and Whitehorse City Council, under the Local Government Act 2020.

Ministerial Order No. 1292 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees 2019-20 of 22 July 2020, under the Education and Training Reform Act 2006.

Ministerial Order No. 1294 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees 2019-20 of 22 July 2020, under the Education and Training Reform Act 2006.

PrimeSafe Determination of Licence Category and Fees for Vehicle-Based Meat Processing Facilities of 29 June 2020, under the Meat Industry Act 1993.

Victorian Building Authority's Code of Conduct for Building Surveyors of 25 June 2020, under the Building Act 1993.

Victoria Law Reform Commission — Report on Contempt of Court, February 2020 (*Ordered to be published*).

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Determination providing for the annual adjustment to the salaries and allowances provided to Members of the Parliament of Victoria, 29 June 2020, under section 26 of the Act.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Assisted Reproductive Treatment Amendment Act 2020 — Whole Act — 8 July 2020 (*Gazette No. S323, 30 June 2020*).

Building and Environment Protection Legislation Amendment Act 2020 — Part 2, sections 19, 22, 24, 25, 26, 27, 28, 29, 30, 36, 39, 41 and Part 5 — 28 July 2020 (*Gazette No. S375, 28 July 2020*).

Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 — Remaining Provisions — 1 July 2020 (*Gazette No. S328, 30 June 2020*).

Police Legislation Amendment (Road Safety Camera Commissioner and Other Matters) Act 2019 — Part 2 — 1 July 2020 (*Gazette No. S323, 30 June 2020*).

**11 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL** — The Clerk laid on the Table a letter from the Attorney-General, dated 21 July 2020, in response to the Resolution of the Council of 17 June 2020 relating to West Gate Tunnel Soil, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**12 MEMBERS' STATEMENTS** — Statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**13 ADJOURNMENT** — Mr Leane 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 3.09 p.m., adjourned until Tuesday, 18 August 2020.

ANDREW YOUNG  
Clerk of the Legislative Council



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 67

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### No. 67 — Tuesday, 18 August 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **CONDOLENCES AND STATEMENTS —**  
**BEIRUT, LEBANON TRAGEDY** — The President made a statement of condolence to those who lost their lives in the devastating explosion that occurred in Lebanon's Port of Beirut on Tuesday, 4 August 2020.

\* \* \* \* \*

**75<sup>TH</sup> ANNIVERSARY OF THE END OF THE SECOND WORLD WAR** — The President acknowledged that Saturday, 15 August 2020 marked the 75<sup>th</sup> anniversary of the end of the Second World War and expressed the House's respect to all those who served our nation during the war and made the ultimate sacrifice.

Members stood in their places as a mark of respect to the victims of the Beirut tragedy and in recognition of the 75<sup>th</sup> anniversary of the end of the Second World War.

- 3 **TEMPORARY ORDERS — QUORUM AND PAIRING ARRANGEMENTS** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place for the remainder of the sitting day —
  1. **Discretion in ringing the bells to form a quorum**  
To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.
  2. **Formal pairing arrangements**
    - (1) Four Government Members and four Opposition Members will be formally paired and must not participate in a division.
    - (2) A Government representative and an Opposition representative must advise the Clerk at the Table of names of Members being paired while the division bells are ringing.
    - (3) A paired Member will not be included in the final vote.
    - (4) Members names will be listed in the Minutes of the Proceedings for each division as having been paired.

Debate ensued.

Question — put and agreed to.

- 4 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the day the House next sits —

## 1. Order of Business

The Order of Business today will be —

Questions

Answers to Questions on Notice

Constituency Questions (up to 45 questions)

Formal Business

Members' Statements (up to 45 statements, by incorporation only)

Government Business

**At 3.00 p.m.** Adjournment (up to 60 adjournment matters).

## 2. Business to be incorporated only in Hansard

- (1) Members shall submit Members' Statements by providing them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 Members' Statements. One Member may not submit more than three statements.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

## 3. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate:
  - (a) constituency questions; and/or
  - (b) adjournment debate matters —
 they may provide them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 constituency questions either delivered in the House or submitted for incorporation. One Member may not ask more than three questions.
- (3) The Clerk may only accept 60 adjournment debate matters either delivered in the House or submitted for incorporation. One Member may not raise more than three adjournment matters.
- (4) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred and after any matters (if any) that have been given in the House.
- (5) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (6) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

## 4. Members may incorporate their speeches for Bills

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any Bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the Bill was debated.
- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

**5. Next sitting of the House**

- (1) The Council, at its rising, adjourn until Tuesday, 1 September 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 31 August 2020.
- (2) If, in the opinion of the President, the next scheduled sitting or a rescheduled sitting should not proceed on the basis of health advice from the Chief Health Officer the President will consult with the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, to delay the next meeting and set a future day and hour to meet.
- (3) The President shall make available the advice from the Chief Health Officer to all Members.
- (4) The President will notify Members of any changes to the next sitting date.

**6. Acting Presidents**

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting Presidents may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

**7. Questions on notice and Answers to questions on notice**

Standing Orders 8.01(2), 8.09 and 8.12 are suspended and the following will apply:

- (1) A Member may lodge a written question on notice by providing it electronically to the Table Office.
- (2) A question on notice lodged with the Table Office must be provided in a manner that clearly identifies the Member asking the question.
- (3) Questions on notice may be asked on non-sitting days.
- (4) Questions on notice lodged on a day when the House is not sitting will be published on the Council's website on the next business day after they are lodged and will be included in the next Notice Paper published.
- (5) A question on notice will be considered as asked on the date it is published on the Council's website and a response is due within 30 days.
- (6) When an answer to a question on notice is provided in writing or electronically to the Table Office it will be given to the Member who asked the question and will be published.
- (7) After questions without notice have concluded a Minister will advise the Council the numbers of the questions on notice to which answers have been provided since the last sitting day.

Debate ensued.

Question — put and agreed to.

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

Pursuant to a temporary order of the Council of 4 August 2020, answers received and published between 5 and 17 August 2020 were laid on the Table.

\* \* \* \* \*

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

- **Duck hunting season – Game Management Authority** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 19 August 2020.

- **Homelessness – temporary housing and drug dependency during pandemic** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 20 August 2020.
- **West Gate Tunnel works – Impact on residents** — substantive and supplementary questions asked by Dr Cumming — response from Ms Mikakos due Thursday, 20 August 2020.
- **Hotel Quarantine – Ministerial responsibility** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Mikakos due Thursday, 20 August 2020.
- **Firearm licenses** — substantive and supplementary questions asked by Mr Bourman — response from Ms Mikakos due Thursday, 20 August 2020.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**7 PETITION — REMOTE LEARNING FOR VCE STUDENTS DURING COVID-19 PANDEMIC** — Mr Atkinson presented a Petition bearing 20 signatures from certain citizens of Victoria requesting that Legislative Council call on the Department of Education and Training and the Department of Health and Human Services to take action to eliminate the potential risk of exposure to COVID-19 by continuing remote learning for all students, including VCE students, after the stage 4 restrictions are lifted, until the threat of COVID-19 has passed completely and it is safe for students to return to face-to-face learning.

Ordered to lie on the Table.

**8 STATE TAXATION ACTS AMENDMENT (REDRESS SCHEME) BILL 2020** — Ms Patten introduced *A Bill for an Act to amend various state taxation Acts in relation to the national redress scheme for institutional child sex abuse*.

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

**9 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL EMPLOYMENT) BILL 2020** — Ms Patten introduced *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to the power of school councils to employ certain staff and for other purposes*.

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

**10 PAPERS** —

**VICTORIAN GOVERNMENT RESPONSE TO REVIEW OF THE FAMILY VIOLENCE INFORMATION SHARING LEGISLATIVE SCHEME** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian Government Response to Review of the Family Violence Information Sharing Legislative Scheme.

Question — put and agreed to.

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

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — INQUIRY INTO THE CONDUCT OF THE 2018 VICTORIAN STATE ELECTION** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Tarlamis presented a Report from the Electoral Matters Committee on the Inquiry into the conduct of the 2018 Victorian state election (including an Appendix 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 Tarlamis moved, That the Council take note of the Report.

Question — put and agreed to.



**AUDITOR-GENERAL — REHABILITATING MINES** — Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Rehabilitating Mines, August 2020.

\* \* \* \* \*

**AUDITOR-GENERAL — MANAGEMENT OF THE STUDENT RESOURCE PACKAGE** — Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Management of the Student Resource Package, August 2020.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster – Coronavirus (COVID-19) pandemic – Report 1, pursuant to section 23(7) of the Act.

Family Violence Protection Act 2008 — Final Report on the Review of the Family Violence Information Sharing Legislative Scheme, 30 May 2020, pursuant to section 144S of the Act.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2020 (*Ordered to be published*).

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

Greater Bendigo Planning Scheme — Amendment C250.

Latrobe Planning Scheme — Amendment C119.

Melton Planning Scheme — Amendment C221.

Port Phillip Planning Scheme — Amendment C163.

South Gippsland Planning Scheme — Amendment C115.

Stonnington Planning Scheme — Amendment C306.

Victoria Planning Provisions — Amendment VC176.

Yarra Ranges Planning Scheme — Amendments C183 and C194.

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 80.

Public Health and Wellbeing Act 2008 — No. 79.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 50, 76, 80 and 81.

Surveyor-General — Report on the administration of the Survey Co-ordination Act 1958, 2019-20.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in March 2020.

Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 25 June 2020 (*Gazette No. S318, 30 June 2020*).

**11 TEMPORARY ORDERS — COVID-19 MEETING** — Mr Davis moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary order to come into effect immediately and remain in place until 31 December 2020 —

**COVID-19 meeting**

- (1) If, on a Tuesday, the Council, for any reason, will not meet in the Chamber in the usual manner for the ordinary routine of business for at least 10 calendar days, the President shall chair a COVID-19 meeting of the Council.
- (2) A COVID-19 meeting may not take place in a week when a gazetted public holiday occurs.
- (3) A COVID-19 meeting is a combination of a quorum of Members physically present at Parliament House and additional Members participating in proceedings via audio-visual link.

- (4) A COVID-19 meeting will commence at 12.00 noon and shall be considered an official proceeding of the Council for all purposes.
- (5) Where no Government or General Business occurs at a COVID-19 meeting, it will not be considered a 'sitting day' for the purposes of determining statutory requirements.
- (6) The President will advise all Members of the COVID-19 meeting no later than 2.00 p.m. on the preceding Monday and the Clerk shall make a Notice Paper and Daily Business Program available to all Members at the same time.
- (7) The Chair will commence proceedings when a quorum is present in the Chamber. In relation to Members participating via audio-visual link, the Chair must be satisfied that the audio-visual link is of sufficient quality to —
  - (a) verify the identity of the Member attending via the link; and
  - (b) enable meaningful participation in the meeting by that Member.
- (8) In relation to Members' Statements, Constituency Questions and Adjournment matters, Members may either —
  - (a) contribute to the item by seeking the call; or
  - (b) provide their contribution electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House for incorporation in Hansard.
- (9) In relation to material submitted for incorporation in Hansard —
  - (a) the Clerk may only accept a total of 40 Members' Statements, either delivered verbally or submitted for incorporation and no one Member may make more than three statements;
  - (b) the Clerk may only accept a total of 45 Constituency Questions, either delivered verbally or submitted for incorporation and no one Member may ask more than three questions;
  - (c) the House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
  - (d) the content is subject to the Hansard editorial policy; and
  - (e) if any submitted material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.
- (10) No motions (except those outlined in paragraphs (12) and (13)), debate or voting will be permitted at a COVID-19 meeting.
- (11) A Member may raise a point of order via email with the President up to two hours after an answer has been given in the House by a Minister to a question without notice in relation to the determination that the Minister provide a written response pursuant to Standing Order 8.07. The President will make a ruling by return email to all Members accordingly and if a response is ordered, this will be included in the Minutes of the Proceedings.
- (12) In relation to motions —
  - (a) a Member may provide notice of any motion to the Clerk by 10.00 a.m. on the Monday preceding the COVID-19 meeting. The Clerk will circulate notices to all Members at least 24 hours prior to the COVID-19 meeting;
  - (b) a Member seeks leave for a motion to be moved and agreed to without debate when providing it to the Clerk for circulation;
  - (c) any Member may deny leave by doing so in writing to the Clerk prior 11.30 a.m. on the day of the COVID-meeting; and
  - (d) the President will report the motions agreed to and the content of these will be included in the Minutes of the Proceedings.
- (13) In relation to Government Bills —
  - (a) a Minister may provide notice of any Bill they intend to introduce, first read and second read to the Clerk by 10.00 a.m. on the Monday preceding the COVID-

- 19 meeting. The Clerk will circulate notice of any Bills to all Members at least 24 hours prior to the COVID-19 meeting;
- (b) a Minister seeks leave to move these questions on a Bill and have them be agreed to (without debate, other than the Minister's second reading speech) when providing it to the Clerk for circulation;
  - (c) no second reading contributions other than the Minister's second reading speech are permitted at a COVID-19 meeting;
  - (d) any Member may notify the Clerk that they do not grant leave for any of these questions on a Bill to be moved; and
  - (e) if leave is not denied, a Minister may move to introduce, first read and second read a Bill.
- (14) The Order of Business will be —
- Prayer and Acknowledgement of Country
  - Papers
  - Questions
  - Answers to Questions on Notice
  - Members may seek an explanation for questions on notice not answered after 30 days (no motion to take note of the explanation is permitted to be moved)
  - Constituency Questions (up to 45 questions)
  - Members' statements (up to 40 statements)
  - Government Business motions (circulated, by leave, prior to the meeting)
  - General Business motions (circulated, by leave, prior to the meeting)
  - Government Bills (notice of intention circulated to move to introduce, first read and second read, by leave, prior to the meeting)
  - Business of the House – the President shall set a day and hour of the next ordinary meeting of the Council
  - Adjournment.

Debate ensued.

Mr Quilty moved, as an amendment, That after the final paragraph, **insert** the following temporary orders:

**“2. Remote participation**

- (1) Any Member may request the permission of the President to attend the sitting of the House via audio-visual link.
- (2) The President will grant permission for a Member to attend the sitting of the House via audio-visual link where the President believes there are sufficient grounds to do so.
- (3) The Chair must be satisfied that the audio-visual link is of sufficient quality to —
  - (a) verify the identity of the Member attending via the link; and
  - (b) enable meaningful participation in the sitting by that Member.
- (4) A Member attending the sitting of the House via audio-visual link will be permitted to contribute to all items of business scheduled during that sitting day by either —
  - (a) speaking to the item when they have the call; or
  - (b) providing their contribution electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House for incorporation in Hansard.
- (5) In relation to material submitted for incorporation in Hansard —
  - (a) the House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred;
  - (b) all incorporated material to be published in Hansard is subject to the Hansard editorial policy; and
  - (c) if any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

**3. Remote voting**

In addition to existing temporary arrangements for divisions, Members participating remotely when a question is put —

- (1) may voice their vote with the Ayes or the Noes and call for a division, where applicable; and
- (2) must vote in a division if they are connected to the proceedings by audio-visual link; and
- (3) will be counted in a division by physically standing when requested to do so by the Chair for the 'Ayes' or 'Noes'. The Chair will ask any Member voting in this manner to confirm their vote verbally at the time of counting.”.

Debate ensued.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council earlier this day, the debate stood adjourned in the name of Mr Finn.*

**12 MEMBERS' STATEMENTS** — Statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**13 ADJOURNMENT** — The President proposed the question, 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 3.32 p.m., adjourned until Tuesday, 1 September 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 68 and 69

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#### No. 68 — Tuesday, 1 September 2020

- 1 The President took the Chair at 9.37 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator Richard Di Natale.
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the end of the sitting week —
  1. **Definition of Chamber**
    - (1) The lower public galleries and lower side galleries and upper galleries (excluding the media gallery) are taken to be part of the Legislative Council Chamber.
    - (2) Protective Services Officers are permitted to enter the upper galleries and will not be considered a 'stranger' for the purposes of Standing Order 22.01.
  2. **Discretion in ringing the bells to form a quorum**
    - (1) At the start of each day a quorum of 14 Members must be present in the Chamber in order for the President to take the Chair and the sitting to proceed.
    - (2) To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.
  3. **Order of Business**

The Order of Business today will be —

    - Messages
    - Formal Business
    - Members' Statements
    - Government Business
    - At 12.00 noon** Questions
    - Answers to Questions on Notice
    - Constituency Questions
    - Government Business (continues)
    - At 10.00 p.m.** Adjournment.

#### 4. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate:
  - (a) Members' statements;
  - (b) constituency questions; and/or
  - (c) adjournment debate matters —
 they may provide them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept one Members' statement and one adjournment debate matter, either delivered in the House or submitted for incorporation, from each member for the sitting week.
- (3) The Clerk may only accept a total of 30 constituency questions either delivered in the House or submitted for incorporation. One Member may not ask more than three questions.
- (4) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred and after any matters (if any) that have been given in the House.
- (5) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (6) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

#### 5. Members may incorporate their speeches for Bills

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any Bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the Bill was debated.
- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

Debate ensued.

Question — put and agreed to.

#### 4 PETITIONS —

**SOLE TRADER BUSINESS SUPPORT** — Ms Bath presented a Petition bearing 659 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider the outgoing expenses a sole trader incurs when determining their eligibility for the current grants under Victoria's Business Support Fund.

Ordered to lie on the Table.

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**NO DRUG INJECTING ROOM AT COHEALTH** — Mr Ondarchie presented a Petition bearing 249 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to reverse the decision to open a drug injecting room at cohealth on Victoria Street, Melbourne, as a drug injecting room will lead to an increase in anti-social behaviour and drug crime on our streets.

Ordered to lie on the Table.

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**CEASE THE COVID-19 METROPOLITAN MELBOURNE AND MITCHELL SHIRE LOCKDOWN** — Mr Quilty presented a Petition bearing 1,500 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to examine the professional medical and scientific evidence and immediately cease and desist the COVID-19 Metropolitan Melbourne and Mitchell Shire lockdown and associated restrictions.

Ordered to lie on the Table.

## 5 PAPERS —

**PARLIAMENTARY INTEGRITY ADVISER'S REPORT, 2019-20** — Pursuant to section 4(b) of the Resolution of the Council on 30 April 2019, the Clerk laid on the Table a copy of the Parliamentary Integrity Adviser's Report, 2019-20.

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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:

Criminal Organisations Control Act 2012 — Review of Victorian Criminal Organisation Laws – Stage One, 30 June 2020, under section 137 of the Act.

Criminal Procedure Act 2009 — Victoria Police Trial of Digitally Recorded Evidence in Chief – Family Violence — Final Evaluation Report, 14 February 2020.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2020, under section 303 of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to — Electricity Safety (Electric Line Clearance) Regulations 2020 (Statutory Rule No. 50) (*Gazette No. S420, 18 August 2020*).

RCBO Prohibition Notice 2020 (*Gazette No. G33, 20 August 2020*).

Judicial Entitlements Act 2015 — Judicial Entitlements Panel's Own Motion Recommendations to the Attorney-General Report, May 2020, pursuant to section 33 of the Act.

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

Casey, Colac Otway, Greater Bendigo and Pyrenees Planning Schemes — Amendment GC170.

Corangamite Planning Scheme — Amendment C53.

Maroondah Planning Scheme — Amendment C128.

Port Phillip Planning Scheme — Amendment C172.

Victoria Planning Provisions — Amendment VC186.

Whittlesea Planning Scheme — Amendment C213 (Part 1).

Public Health and Wellbeing Act 2008 — Orders in Council, under section 126 of the Act — Declaring novel coronavirus 2019 (2019-nCoV) to be a notifiable condition, 28 July 2020 (*Gazette No. G30, 30 July 2020*).

Amending the Order made on 28 July 2020, 18 August 2020 (*Gazette No. G33, 20 August 2020*).

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 83.

Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 85.

Education and Training Reform Act 2006 — No. 81.

Libraries Act 1988 — No. 87.

Mental Health Act 2014 — No. 82.

Occupational Health and Safety Act 2004 — No. 84.

Public Health and Wellbeing Act 2008 — No. 86.

Victims of Crime Assistance Act 1996 — No. 88.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 79, 82 and 84 to 89.

Legislative instruments and related documents under section 16B in respect of —

Ministerial Order No. 1291 – Order Amending Ministerial Order No. 615 – Amendment to Order Fixing of Fees Administered by the Victorian Registration and Qualifications Authority of 14 and 17 August 2020, under the Education and Training Reform Act 2006.

Prohibition of Supply of Electrical Equipment Notice of 29 June 2020, under the Electricity Safety Act 1998.

Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of operations, January to June 2020.

- 6 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 2 September 2020 —
- (1) Order of the Day for the second reading of the Education and Training Reform Amendment (School Employment) Bill 2020;
  - (2) Order of the Day for the second reading of the Victorian Law Reform Commission Amendment Bill 2020;
  - (3) Notice of Motion No. 314 standing in the name of Mr Barton referring a matter to the Economy and Infrastructure Committee relating to community buses;
  - (4) Notice of Motion No. 352 standing in the name of Ms Crozier relating to hotel quarantine breaches and contact tracing;
  - (5) the notice of motion given this day by Mr Davis in relation to the production of documents relating to orders made under the *Public Health and Wellbeing Act 2008*; and
  - (6) the notice of motion given this day by Mr Davis in relation to the disallowance in full of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

- 8 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020** — Ms Mikakos introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 in relation to certain matters relating to the COVID-19 pandemic, and for other purposes.*

On the motion of Ms Mikakos, the Bill was read a first time.

Pursuant to Standing Order 14.34, Ms Mikakos declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Debate ensued.

Question — put and agreed to.

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

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

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council earlier this day.*

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

**MEDI7 MEDICAL SUPPORT SERVICES TO HOTEL QUARANTINE** — Ms Mikakos having given answers to a question without notice and supplementary question relating to Medi7 medical support services to hotel quarantine —

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.

Pursuant to a temporary order of the Council of 18 August 2020, answers received and published between 19 and 31 August 2020 were laid on the Table.

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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:

- **Sole trader small business support during pandemic** — supplementary question asked by Mr Davis — response from Ms Pulford due Wednesday, 2 September 2020.
- **Increase in homelessness during pandemic** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 3 September 2020.



**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**11 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

*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.]*

Debate continued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council earlier this day —*

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

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Bill further considered in Committee of the whole.

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

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

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —*

WEDNESDAY, 2 SEPTEMBER 2020

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Ms Symes moved, That the sitting be extended.

Question — put and agreed to.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Mikakos 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, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

## NOES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

Bill read a third time.

Bill transmitted to the Assembly with a Message requesting their agreement.

**12 ADJOURNMENT** — Ms Tierney 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 2.24 a.m., adjourned until later this day.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 69 — Wednesday, 2 September 2020

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — VOTE AGAINST EXTENSION OF STATE OF EMERGENCY** — Mr Limbrick presented a Petition bearing 1,081 signatures from certain citizens of Victoria requesting that the Legislative Council vote against an extension of the State of Emergency declaration, and call on the Premier, the Honourable Daniel Andrews, to apologise for the gross mishandling of the hotel quarantine program.  
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:
  - Duties Act 2000 — Treasurer's Report for 1 January to 30 June 2020 of Foreign Purchaser Additional Duty Exemptions, under section 3E of the Act.
  - Financial Management Act 1994 — Explanation from the Assistant Treasurer under section 46(3)(a) of the Act, for the delay of the 2019-20 Reports of the —
    - Accident Compensation Conciliation Service
    - Adult Multicultural Education Service
    - Adult, Community and Further Education Board
    - Agriculture Victoria Services
    - Albury Wodonga Health
    - Alexandra District Health
    - Alfred Health
    - Alpine Health
    - Alpine Resorts Co-ordinating Council
    - Ambulance Victoria
    - Architects' Registration Board of Victoria
    - Austin Health
    - Australian Centre for the Moving Image
    - Australian Grand Prix Corporation

Bairnsdale Regional Health Service  
Ballarat General Cemeteries Trust  
Ballarat Health Services  
Barwon Health  
Barwon Region Water Corporation  
Barwon South West Waste and Resource Recovery Group  
Bass Coast Health  
Beaufort and Skipton Health Service  
Beechworth Health Service  
Benalla Health  
Bendigo Cemeteries Trust  
Bendigo Health Care Group  
Boort District Health  
Casterton Memorial Hospital  
Castlemaine Health  
Caulfield Racecourse Reserve Trust  
CenITex  
Central Gippsland Health Service  
Central Gippsland Rural Water Corporation  
Central Highlands Rural Water Corporation  
Cohuna District Hospital  
Colac Area Health  
Coliban Region Water Corporation  
Commercial Passenger Vehicles Victoria  
Commissioner for Environmental Sustainability  
Corangamite Catchment Management Authority  
Corryong Health  
Country Fire Authority  
Court Services Victoria  
Dairy Food Safety Victoria  
Dental Health Services Victoria  
Development Victoria  
Dhelkunya Dja Land Management Board  
Djerriwarrh Health Services  
East Gippsland Catchment Management Authority  
East Gippsland Rural Water Corporation  
East Grampians Health Service  
East Wimmera Health Service  
Echuca Regional Health  
Edenhope and District Memorial Hospital  
Emerald Tourist Railway Board  
Emergency Services Telecommunications Authority  
Energy Safe Victoria  
Environment Protection Authority  
Essential Services Commission  
Film Victoria  
Game Management Authority  
Geelong Cemeteries Trust  
Geelong Performing Arts Centre Trust

Gippsland and Southern Rural Water Corporation  
Gippsland Southern Health Service  
Gippsland Waste and Resource Recovery Group  
Glenelg Hopkins Catchment Management Authority  
Goulburn Broken Catchment Management Authority  
Goulburn Valley Health  
Goulburn Valley Rural Water Corporation  
Goulburn Valley Waste and Resource Recovery Group  
Grampians Central West Waste and Resource Recovery Group  
Grampians Wimmera Mallee Water Corporation  
Great Ocean Road Health  
Greyhound Racing Victoria  
Gunaikurnai Traditional Owner Land Management Board  
Harness Racing Victoria  
Health Purchasing Victoria  
Heathcote Health  
Hepburn Health Service  
Heritage Council of Victoria  
Hesse Rural Health Service  
Heywood Rural Health  
Independent Broad-based Anti-corruption Commission  
Infrastructure Victoria  
Inglewood and Districts Health Service  
Judicial College of Victoria  
Judicial Commission of Victoria  
Kardinia Park Stadium Trust  
Kerang District Health  
Kooweerup Regional Health Service  
Kyabram District Health Service  
Kyneton District Health Service  
Latrobe Regional Hospital  
Library Board of Victoria  
Loddon Mallee Waste and Resource Recovery Group  
Lower Murray Water  
Maldon Hospital  
Mallee Catchment Management Authority  
Mallee Track Health and Community Service  
Mansfield District Hospital  
Maryborough District Health Service  
Melbourne and Olympic Parks Trust  
Melbourne Convention and Exhibition Trust  
Melbourne Market Authority  
Metropolitan Fire and Emergency Services Board  
Metropolitan Waste and Resource Recovery Group  
Moyne Health Services  
Murray Valley Wine Grape Industry Development Committee  
Museums Board of Victoria  
Nathalia Cobram and Numurkah (NCN) Health  
North Central Catchment Management Authority

North East Catchment Management Authority  
North East Region Water Corporation  
North East Waste and Resource Recovery Group  
Northeast Health Wangaratta  
Northern Health  
Office of Public Prosecutions  
Omeo District Health  
Orbost Regional Health  
Parks Victoria  
Peninsula Health  
Peter MacCallum Cancer Centre  
Phillip Island Nature Park  
Port of Hastings Development Authority  
Port Phillip & Westernport Catchment Management Authority  
Portable Long Service Benefits Authority  
Portland District Health  
PrimeSafe  
Professional Standards Council of Victoria  
Queen Victoria Women's Centre Trust  
Residential Tenancies Bond Authority  
Roads Corporation  
Robinvale District Health Services  
Rochester and Elmore District Health Service  
Royal Botanic Gardens Board  
Rural Northwest Health  
Senior Master of the Supreme Court  
Sentencing Advisory Council  
Seymour Health  
Shrine of Remembrance Trustees  
South Gippsland Hospital  
South Gippsland Rural Water Corporation  
South West Healthcare  
Southern Metropolitan Cemeteries Trust  
State Electricity Commission  
State Sport Centres Trust  
Stawell Regional Health  
Surveyors Registration Board of Victoria  
Sustainability Victoria  
Swan Hill District Health  
Tallangatta Health Service  
Terang and Mortlake Health Service  
The Greater Metropolitan Cemeteries Trust  
The Kilmore and District Hospital  
The Mildura Cemetery Trust  
The Queen Elizabeth Centre  
The Royal Victorian Eye and Ear Hospital  
The Royal Women's Hospital  
Timboon and District Healthcare Service  
Trust for Nature (Victoria)

Tweddle Child and Family Health Service  
V/Line Corporation  
Veterinary Practitioners Registration Board of Victoria  
VicForests  
Victoria Legal Aid  
Victoria State Emergency Service Authority  
Victorian Arts Centre Trust  
Victorian Assisted Reproductive Treatment Authority  
Victorian Building Authority  
Victorian Curriculum and Assessment Authority  
Victorian Electoral Commission  
Victorian Environmental Water Holder  
Victorian Equal Opportunity and Human Rights Commission  
Victorian Fisheries Authority  
Victorian Funds Management Corporation  
Victorian Health Promotion Foundation  
Victorian Inspectorate  
Victorian Institute of Forensic Medicine  
Victorian Institute of Forensic Mental Health  
Victorian Institute of Sport Trust  
Victorian Institute of Teaching  
Victorian Interpreting & Translating Service  
Victorian Law Reform Commission  
Victorian Legal Services Board  
Victorian Legal Services Commissioner  
Victorian Ombudsman  
Victorian Pharmacy Authority  
Victorian Planning Authority  
Victorian Plantations Corporation  
Victorian Ports Corporation (Melbourne)  
Victorian Public Sector Commission  
Victorian Regional Channels Authority  
Victorian Registration and Qualifications Authority  
Victorian Responsible Gambling Foundation  
Victorian Strawberry Industry Development Committee  
Visit Victoria  
Wannon Water  
West Gippsland Catchment Management Authority  
West Gippsland Healthcare Group  
West Wimmera Health Service  
Western District Health Service  
Western Health  
Western Region Water Corporation  
Westernport Rural Water Corporation  
Wimmera Catchment Management Authority  
Wimmera Health Care Group  
Yarram and District Health Service  
Yarrawonga Health  
Yea and District Memorial Hospital

Yorta Yorta Traditional Owner Land Management Board  
Zoological Parks and Gardens Board.  
Radiation Advisory Committee — Report, 2019-20.

- 4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 15 September 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 14 September 2020, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 5 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Dr Kieu be a participating member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

- 6 JOINT SITTING — SENATE VACANCY** — Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Richard Di Natale and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Friday, 4 September 2020 at 3.00 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 1 September 2020.

- 8 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL EMPLOYMENT) BILL 2020** — 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.

- 9 VICTORIAN LAW REFORM COMMISSION AMENDMENT BILL 2020** — Mr Grimley laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

- 10 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — COMMUNITY BUSES** — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than November 2021, on extending school buses for use by the wider public to enhance the mobility of regional and rural Victorians, including, but not limited to —

- (1) an independent analysis of the transport disadvantages experienced by regional and rural Victorians, specifically youth, the elderly and low-income households;
- (2) investigating the potential social and community impacts of improving mobility options by widening the mainstream school bus system and an analysis of the examples and trials from other jurisdictions both locally and overseas;
- (3) investigating technology and systems that would be effective in ensuring child safety on mainstream school buses;
- (4) identifying any existing or potential barriers to allowing public access to the mainstream school bus network;
- (5) identifying the spare capacity of existing assets in the School Bus Program and how that might be used to enhance public transport options in regional and rural Victoria; and
- (6) investigating the costs of extending mainstream school buses to the general public and how a fare system would function.

Debate ensued.

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

Question — put and agreed to.

**11 HOTEL QUARANTINE BREACHES AND CONTACT TRACING** — Ms Crozier moved, That this House —

- (1) expresses concern in the administrative failures of the COVID-19 response overseen by the Minister for Health and the Minister for the Coordination of Health and Human Services — COVID-19, the Hon Jenny Mikakos MLC, including —
  - (a) breaches in hotel quarantine security that has led to wide spread community transmissions;
  - (b) the catastrophic failures in contact tracing; and
- (2) notes failures in communication, testing regimes and the overall preparedness of COVID-19 to protect Victorian lives and livelihoods.

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

**12 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:

- **Child protection measures during pandemic** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Mikakos due Friday, 4 September 2020.
- **COVID-19 risk to high rise tenants** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 4 September 2020.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 1 September 2020.

**14 HOTEL QUARANTINE BREACHES AND CONTACT TRACING** — Debate continued on the motion, That this House —

- (1) expresses concern in the administrative failures of the COVID-19 response overseen by the Minister for Health and the Minister for the Coordination of Health and Human Services — COVID-19, the Hon Jenny Mikakos MLC, including —
  - (a) breaches in hotel quarantine security that has led to wide spread community transmissions;
  - (b) the catastrophic failures in contact tracing; and
- (2) notes failures in communication, testing regimes and the overall preparedness of COVID-19 to protect Victorian lives and livelihoods.

*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, 18

Mr Atkinson; Dr Bach; 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; Mr Rich-Phillips.

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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



The Ayes and Noes being equal, the question was negatived.

**15 PRODUCTION OF DOCUMENTS — ORDERS MADE UNDER THE PUBLIC HEALTH AND WELLBEING ACT 2008** — Ms Crozier (for Mr Davis) moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, on or before Tuesday, 15 September 2020, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health relating to the public health and other orders made under the *Public Health and Wellbeing Act 2008* and other Acts, including the following Gazetted COVID-19 response orders and directions —

- (1) Declaration of a State of Emergency;
- (2) Airport Arrivals Direction (18 March 2020);
- (3) Mass Gatherings Directions (18 March 2020);
- (4) Cruise Ship Docking Direction (19 March 2020);
- (5) Aged Care Facilities Directions (21 March 2020);
- (6) Mass Gatherings Direction (No. 2) (21 March 2020) (replacing Mass Gatherings Directions of 18 March 2020);
- (7) Non-essential Business Closure Directions (23 March 2020) – closure or limits on numbers, 4 square meters provisions for pubs, bars, gyms, casino, cinemas, places of worship, etcetera;
- (8) Hospital Visitor Directions (23 March 2020);
- (9) Isolation (Diagnosis) Direction (25 March 2020);
- (10) Non-Essential Activity Directions (25 March 2020) (replacing Non-Essential Business Closure Directions of 23 March 2020) – closure of entertainment facilities, places of worship, non-essential retail, food and drink, etcetera, except for permitted operations;
- (11) Prohibited Gathering Directions (25 March 2020) (replacing Mass Gatherings Direction (No. 2) of 21 March 2020);
- (12) Non-essential Activity Direction (No. 2) (26 March 2020) (replacing Non-Essential Activity Directions of 25 March 2020);
- (13) Revocation of Airport Arrivals and Cruise Ship Docking Directions (28 March 2020);
- (14) Stay at Home Directions (30 March 2020) (replacing Prohibited Gatherings Directions of 25 March 2020);
- (15) Restricted Activity Directions (30 March 2020) (replacing Non-Essential Activity Directions (No. 2) of 26 March 2020);
- (16) Stay at Home Directions (No. 2) (2 April 2020) (replacing Stay at Home Directions of 30 March 2020);
- (17) Ministers of the Crown - Commissioning of the Crisis Council of Cabinet;
- (18) Pharmacists Supply on a Digital Image (PHEO #4) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981* – in force until midnight 6 October 2020;
- (19) Stay at Home Directions (No. 3) (7 April 2020) (replacing Stay at Home Directions (No. 2) of 2 April 2020) – provisions for childminding arrangements;
- (20) Restricted Activity Directions (No. 2) (7 April 2020) (replacing Restricted Activity Directions of 30 March 2020);
- (21) Care Facilities Directions (7 April 2020) (replacing Aged Care Facilities Direction of 21 March 2020);
- (22) Isolation (Diagnosis) Directions (No. 2) (13 April 2020) (replacing Isolation (Diagnosis) Directions of 26 March 2020);
- (23) Stay at Home Directions (No. 4) (13 April 2020) (replacing Stay at Home Directions (No. 3) of 7 April 2020);
- (24) Hospital Visitor Direction (No. 2) (13 April 2020) (replacing Hospital Visitor Directions of 23 March 2020);
- (25) Care Facilities Direction (No. 2) (13 April 2020) (replacing Care Facilities Directions of 7 April 2020);
- (26) Restricted Activity Directions (No. 3) (13 April 2020) (replacing Restricted Activity Directions (No. 2) of 7 April 2020);

- (27) Restricted Activity Direction (No. 4) (17 April 2020) (replacing Restricted Activity Direction (No. 3) of 13 April 2020);
- (28) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981*;
- (29) Restricted Activity Directions (No. 5) (24 April 2020) (replacing Restricted Activity Directions (No. 4) of 17 April 2020);
- (30) Order in Council made under section 55(2) of the *Drugs, Poisons and Controlled Substances Act 1981*;
- (31) Restricting the Sale or Supply or Use of the Poison or Controlled Substance Hydroxychloroquine;
- (32) Pharmacists Supply on a Digital Image (PHEO #4 as Amended) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981* – in force until midnight 6 October 2020 (replacing PHEO #4 issued 7 April 2020);
- (33) Stay at Home Directions (No. 6) (11 May 2020) (replacing Stay at Home Directions (No. 5) of 11 May 2020);
- (34) Restricted Activity Directions (No. 7) (11 May 2020) (replacing Restricted Activity Directions (No. 6) of 11 May 2020);
- (35) Diagnosed Persons and Close Contact Directions (11 May 2020);
- (36) Hospital Visitor Directions (No. 3) (11 May 2020) (replacing Hospital Visitor Directions (No. 2) of 13 April 2020);
- (37) Care Facilities Directions (No. 3) (11 May 2020) (replacing Care Facilities Directions (No. 2) of 13 April 2020);
- (38) Stay at Home Directions (No. 5) (11 May 2020) (replacing Stay at Home (No. 4) of 13 April 2020);
- (39) Restricted Activity Directions (No. 6) (11 May 2020) (replacing Restricted Activity Directions (No. 5) of 24 April 2020);
- (40) Stay at Home Directions (No. 7) (24 May 2020) (replacing Stay at Home Directions (No. 6) of 11 May 2020);
- (41) Restricted Activity Directions (No. 8) (24 May 2020) (replacing Restricted Activity Directions (No. 7) of 11 May 2020);
- (42) Stay Safe Directions (31 May 2020) (replacing Stay at Home Directions (No. 7) of 24 May 2020);
- (43) Restricted Activity Directions (No. 9) (31 May 2020) (replacing Restricted Activity Directions (No. 8) of 24 May 2020);
- (44) Diagnosed Persons and Close Contacts Directions (No. 2) (31 May 2020) (replacing Diagnosed Persons and Close Contacts Directions of 11 May 2020);
- (45) Hospital Visitor Directions (No. 4) (31 May 2020) (replacing Hospital Visitor Directions (No. 3) of 11 May 2020);
- (46) Care Facilities Directions (No. 4) (31 May 2020) (replacing Care Facilities Directions (No. 3) of 11 May 2020);
- (47) Public Health Emergency Order under section 22D (PHEO #7) of the *Drugs, Poisons and Controlled Substances Act 1981* – supply of Schedule 4 Prescription Only Medicines that may be in short supply;
- (48) Public Health Emergency Order under section 22G (PHEO #6) of the *Drugs, Poisons and Controlled Substances Act 1981* – administer, supply or subscribe Schedule 8 poison;
- (49) Hospital Visitor Directions (No. 5) (16 June 2020) (replacing Hospital Visitor Directions (No. 4) of 31 May 2020);
- (50) Restricted Activity Directions (No. 10) (21 June 2020) (replacing Restricted Activity Directions (No. 9) of 31 May 2020);
- (51) Stay Safe Directions (No. 2) (21 June 2020) (replacing Stay Safe Directions of 31 May 2020);
- (52) Care Facilities Directions (No. 5) (21 June 2020) (replacing Care Facilities Directions (No. 4) of 31 May 2020);

- (53) Hospital Visitor Directions (No. 6) (21 June 2020) (replacing Hospital Visitor Directions (No. 5) of 16 June 2020);
- (54) Diagnosed Persons and Close Contacts Directions (No. 3) (21 June 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 2) of 31 May 2020);
- (55) Diagnosed Persons and Close Contacts Directions (No. 4) (1 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 3) of 21 June 2020);
- (56) Care Facilities Directions (No. 6) (1 July 2020) (replacing Care Facilities Directions (No. 5) of 21 June 2020);
- (57) Hospital Visitor Directions (No. 7) (1 July 2020) (replacing Hospital Visit Directions (No. 6) of 21 June 2020);
- (58) Restricted Activity Directions (No. 11) (1 July 2020) (replacing Restricted Activity Directions (No. 10) of 21 June 2020);
- (59) Stay Safe Directions (No. 3) (1 July 2020) (replacing Stay Safe Directions (No. 2) of 21 June 2020);
- (60) Restricted Activity Directions (Restricted Postcodes) (1 July 2020);
- (61) Stay at Home Directions (Restricted Postcodes) (1 July 2020);
- (62) Area Directions (1 July 2020);
- (63) Detention Directions (12 Sutton Street, North Melbourne) (4 July 2020);
- (64) Detention Directions (12 Holland Street, North Melbourne) (4 July 2020);
- (65) Detention Directions (9 Pampas Street, North Melbourne) (4 July 2020);
- (66) Detention Directions (159 Melrose Street, North Melbourne) (4 July 2020);
- (67) Detention Directions (130 Racecourse Road, Flemington) (4 July 2020);
- (68) Detention Directions (126 Racecourse Road, Flemington) (4 July 2020);
- (69) Detention Directions (120 Racecourse Road, Flemington) (4 July 2020);
- (70) Detention Directions (76 Canning Street, North Melbourne) (4 July 2020);
- (71) Detention Directions (33 Alfred Street, North Melbourne) (4 July 2020);
- (72) Area Directions (No. 2) (4 July 2020) (replacing Area Directions of 1 July 2020);
- (73) Restricted Activity Directions (No. 12) (8 July 2020) (replacing Restricted Activity Directions (No. 11) of 1 July 2020);
- (74) Stay Safe Directions (No. 4) (8 July 2020) (replacing Stay Safe Directions (No. 3) of 1 July 2020);
- (75) Restricted Activity Directions (Restricted Areas) (8 July 2020) (replacing Restricted Activity Directions (Restricted Postcodes) of 1 July 2020);
- (76) Stay at Home Directions (Restricted Areas) (8 July 2020) (replacing Stay at Home Directions (Restricted Postcodes) of 1 July 2020);
- (77) Area Directions (No. 3) (8 July 2020) (replacing Area Directions (No. 2) of 4 July 2020);
- (78) Revocation of Detention Directions (12 Sutton Street, North Melbourne) (9 July 2020);
- (79) Revocation of Detention Directions (12 Holland Court, Flemington) (9 July 2020);
- (80) Revocation of Detention Directions (9 Pampas Street, North Melbourne) (9 July 2020);
- (81) Revocation of Detention Directions (159 Melrose Street, North Melbourne) (9 July 2020);
- (82) Revocation of Detention Directions (130 Racecourse Road, Flemington) (9 July 2020);
- (83) Revocation of Detention Directions (126 Racecourse Road, Flemington) (9 July 2020);
- (84) Revocation of Detention Directions (120 Racecourse Road, Flemington) (9 July 2020);
- (85) Revocation of Detention Directions (76 Canning Street, North Melbourne) (9 July 2020);
- (86) Revocation of Detention Direction (33 Alfred Street, North Melbourne) (9 July 2020);
- (87) Stay at Home Directions (Restricted Areas) (No. 2) (10 July 2020) (replacing Stay at Home Directions (Restricted Areas) of 8 July 2020);
- (88) Stay Safe Directions (No. 5) (10 July 2020) (replacing Stay Safe Directions (No. 4) of 8 July 2020);
- (89) Diagnosed Persons and Close Contacts Directions (No. 5) (15 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 4) of 1 July 2020);
- (90) Care Facilities Directions (No. 7) (19 July 2020) (replacing Care Facilities Directions (No. 6) of 1 July 2020);
- (91) Hospital Visitor Directions (No. 8) (19 July 2020) (replacing Hospital Visitor Directions (No. 7) of 1 July 2020);
- (92) Diagnosed Persons and Close Contacts Directions (No. 6) (19 July 2020);

- (93) Restricted Activity Directions (No. 13) (19 July 2020) (replacing Restricted Activity Directions (No. 12) of 8 July 2020);
- (94) Stay Safe Directions (No. 6) (19 July 2020) (replacing Stay Safe Directions (No. 5) of 10 July 2020);
- (95) Restricted Activity Directions (Restricted Areas) (No. 2) (19 July 2020) (replacing Restricted Activity Directions (Restricted Areas) of 8 July 2020);
- (96) Stay at Home Directions (Restricted Areas) (No. 3) (19 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 2) of 10 July 2020);
- (97) Area Directions (No. 4) (19 July 2020) (replacing Area Directions (No. 3) of 8 July 2020);
- (98) Extension of Declaration of a State of Emergency - until 16 August 2020;
- (99) Care Facility Directions (No. 8) (22 July 2020) (replacing Care Facility Directions (No. 7) of 19 July 2020);
- (100) Hospital Visitor Directions (No. 9) (22 July 2020) (replacing Hospital Visitor Directions (No. 8) of 19 July 2020);
- (101) Diagnosed Persons and Close Contacts Directions (No. 7) (21 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 6) of 19 July 2020);
- (102) Diagnosed Persons and Close Contacts Directions (No. 5) (15 July 2020);
- (103) Restricted Activity Directions (No. 14) (21 July 2020) (replacing Restricted Activity Directions (No. 13) of 19 July 2020);
- (104) Stay Safe Directions (No. 7) (21 July 2020) (replacing Stay Safe Directions (No. 6) of 19 July 2020);
- (105) Restricted Activity Directions (Restricted Areas) (No. 3) (22 July 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 2) of 19 July 2020);
- (106) Stay at Home Directions (Restricted Areas) (No. 4) (22 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 3) of 19 July 2020);
- (107) Public Health Emergency Order (PHEO #7) under section 22G of the *Drugs, Poisons and Controlled Substances Act 1981* (28 July 2020) – extension of PHEO #7, 9 June 2020 until 31 December 2020;
- (108) Stay Safe Directions (No. 8) (30 July 2020) (replacing Restricted Activity Directions (No. 7) of 21 July 2020);
- (109) Restricted Activity Directions (No. 15) (30 July 2020) (replacing Restricted Activity Directions (No. 14) of 21 July 2020);
- (110) Area Directions (No. 5) (30 July 2020) (replacing Area Directions (No. 4) of 19 July 2020);
- (111) Stay at Home Directions (Restricted Areas) (No. 5) (30 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 4) of 22 July 2020);
- (112) Stay at Home Directions (Restricted Areas) (No. 6) (2 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 5) of 30 July 2020);
- (113) Restricted Activity Directions (Restricted Areas) (No. 4) (2 August 2020) (replacing Restricted Activity Directions (No. 3) of 22 July 2020);
- (114) Restricted Activity Directions (No. 16) (2 August 2020) (replacing Restricted Activity Directions (No. 15) of 30 July 2020);
- (115) Stay Safe Directions (No. 9) (2 August 2020) (replacing Stay Safe Directions (No. 8) of 30 July 2020);
- (116) Restricted Activity Directions (Restricted Areas) (No. 5) (2 August 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 4) of 2 August 2020);
- (117) Stay at Home Directions (Restricted Areas) (No. 7) (2 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 6) of 2 August 2020);
- (118) Care Facilities Directions (No. 9) (3 August 2020) (replacing Care Facilities Directions (No. 8) of 22 July 2020);
- (119) Diagnosed Persons and Close Contacts Direction (No. 8) (3 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 7) of 21 July 2020);
- (120) Stay at Home Directions (Restricted Areas) (No. 9) (5 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 8) of 2 August 2020);
- (121) Area Directions (No. 6) (5 August 2020) (replacing Area Directions (No. 5) of 30 July 2020);

- (122) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (5 August 2020);
- (123) Workplace Directions (5 August 2020);
- (124) Stay at Home Directions (Non-Melbourne) (5 August 2020) (replacing Stay Safe Directions (No. 9) of 2 August 2020);
- (125) Stay at Home Directions (Restricted Areas) (No. 8) (5 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 7) of 2 August 2020);
- (126) Restricted Activity Directions (Non-Melbourne) (5 August 2020) (replacing Restricted Activity Directions (No. 16) of 2 August 2020);
- (127) Restricted Activity Directions (No. 6) (5 August 2020) (replacing Restricted Activity Directions (No. 5) of 2 August 2020) – permitted work premises, permits;
- (128) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 2) (8 August 2020) (replacing Permitted Worker Scheme Directions of 5 August 2020);
- (129) Workplace (Additional Industry Obligations) Directions (8 August 2020);
- (130) Workplace Directions (No. 2) (8 August 2020) (replacing Workplace Directions, of 5 August 2020);
- (131) Workplace (Additional Industry Obligations) Directions (No. 2) (8 August 2020) (replacing Workplace (Additional Industry Obligations) Directions of 8 August 2020);
- (132) Stay at Home Directions (Restricted Areas) (No. 10) (8 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 9) of 5 August 2020);
- (133) Workplace (Additional Industry Obligations) Directions (No. 3) (11 August 2020) (replacing Workplace (Additional Industry Obligations) (No. 2) of 8 August 2020);
- (134) Stay at Home Directions (Restricted Areas) (No. 11) (13 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 10) of 8 August 2020);
- (135) Stay at Home Directions (Non-Melbourne) (No. 2) (13 August 2020) (replacing Stay at Home Directions (Non-Melbourne) of 5 August 2020);
- (136) Restricted Activity Directions (Non-Melbourne) (No. 2) (13 August 2020) (replacing Restricted Activity Directions (Non-Melbourne) of 5 August 2020);
- (137) Restricted Activity Directions (Restricted Areas) (No.7) (13 August 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 6) of 5 August 2020);
- (138) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 3) (13 August 2020) (replacing Permitted Worker Permit Scheme (No. 2) of 8 August 2020);
- (139) Diagnosed Persons and Close Contacts Directions (No. 9) (13 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 8) of 3 August 2020);
- (140) Hospital Visitor Directions (No. 10) (16 August 2020) (replacing Hospital Visitor Directions (No. 9) of 22 July 2020);
- (141) Diagnosed Persons and Close Contacts Directions (No. 10) (16 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 9) of 13 August 2020);
- (142) Care Facilities Directions (No. 10) (16 August 2020) (replacing Care Facilities Directions (No. 9) of 3 August 2020);
- (143) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 4) (16 August 2020) (replacing Permitted Worker Permit Scheme Directions (No. 3) of 13 August 2020);
- (144) Workplace Directions (Additional Industry Obligations) Directions (No. 4) (16 August 2020) (replacing Workplace Direction (Additional Industry Obligations) Directions (No. 3) of 11 August 2020);
- (145) Workplace Directions (No. 3) (16 August 2020) (replacing Workplace Directions (No. 2) of 8 August 2020);
- (146) Stay at Home Directions (Non-Melbourne) (No. 3) (16 August 2020) (replacing Stay at Home Directions (Non-Melbourne) (No. 2) of 13 August 2020);
- (147) Stay at Home Directions (Restricted Areas) (No. 12) (16 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 11) of 13 August 2020);

- (148) Restricted Activity Directions (Non-Melbourne) (No. 3) (16 August 2020) (replacing Restricted Activity Directions (Non-Melbourne) (No. 2) of 13 August 2020);
- (149) Restricted Activity Directions (Restricted Areas) (No. 8) (16 August 2020) (replacing Restricted Activity Directions (No. 7) of 13 August 2020);
- (150) Area Directions (No. 7) (16 August 2020) (replacing Area Directions (No. 6) of 5 August 2020);
- (151) Extension of Declaration of a State of Emergency (16 August 2020), effective from 11:59 pm on 16 August until 11:59 pm on 13 September 2020; and
- (152) Stay at Home Directions (Restricted Areas) (No. 13) (20 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 12) of 16 August 2020).

Debate ensued.

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

Question — put and agreed to.

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

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

**17 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

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

And then the Council, at 5.55 p.m., adjourned until Tuesday, 15 September 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 68 and 69

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### **PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020**

*Committed Tuesday, 1 September 2020*

*Amendments circulated: Mr Davis (pp. 527-9)*

**Clause 1** — Mr Davis moved Amendment Nos. 1 to 3.

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 18

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

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

Question agreed to.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

**Clause 1** — Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 18

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

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

Question agreed to.

Clause 1 — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Mr Leane moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 18

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

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

Question agreed to.

Clause 3 — Question — That clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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



NOES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

**Clause 4** — Mr Leane moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 18

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

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

Question agreed to.

**Clause 4** — Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

**Clause 5** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 5.

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

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

## NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

**New Clause** — Mr Davis moved Amendment No. 6.

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

The Committee divided — The Deputy President in the Chair.

## AYES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

## NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

**Clause 6** — Question — That clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

## NOES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

**Clause 7** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 7.

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

The Committee divided — The Deputy President in the Chair.

## AYES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

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

## NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negated.

**Clause 8** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020

#### Amendments circulated by Mr Davis

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines and insert—
  - "(a) to provide for a state of emergency declaration that relates to the COVID-19 pandemic continuing in force for a total period that exceeds 6 months, on a month by month basis; and
  - (ab) to provide for measures to enhance transparency during a state of emergency; and
  - (ac) to provide for restrictions on the making of directions in relation to the Parliamentary precincts; and".
2. Clause 1, page 2, line 9, omit "; and" and insert ".".
3. Clause 1, page 2, lines 10 to 13, omit all words and expressions on these lines.
4. Clause 5, omit this clause.
5. Insert the following New Clause before clause 6—

#### **'5 Declaration of a state of emergency**

- (1) In section 198(7)(c) of the **Public Health and Wellbeing Act 2008** for "6 months." **substitute** "6 months, other than in accordance with a resolution of both Houses of the Parliament that approves the total period exceeding 6 months."
- (2) After section 198(7) of the **Public Health and Wellbeing Act 2008** insert—
 

"(7A) A resolution passed by both Houses of the Parliament that approves a state of emergency declaration continuing in force for a total period that exceeds 6 months—

  - (a) must specify the total additional period, not exceeding one month, for which the state of emergency declaration may continue in force in accordance with the resolution; and
  - (b) must be in respect of a state of emergency declaration that relates to the COVID-19 pandemic; and
  - (c) should not be moved until—
    - (i) a statement of the basis on which it is proposed that the declaration continue in force and the objectives of continuing the declaration in force, including as to how these objectives relate to the objects of the Act has been laid before the House; and
    - (ii) all members of Parliament who so request have received appropriate briefings and appropriate information on the circumstances causing a serious risk to public health out of which the state of emergency arises; and
  - (d) may be passed more than one time in respect of the same state of emergency declaration."
- (3) After section 198(9) of the **Public Health and Wellbeing Act 2008** insert—
 

"(10) Despite anything to the contrary in the Subordinate Legislation (Legislative Instruments) Regulations 2011, a declaration under subsection (1) is not an exempt legislative instrument, but the following are not required for any proposed declaration—

- (a) consultation under section 12C of the **Subordinate Legislation Act 1994**;
- (b) the preparation of a regulatory impact statement under section 12E of the **Subordinate Legislation Act 1994**.".'

6. Insert the following New Clause after clause 5—

**'5A New section 198A**

After section 198 of the **Public Health and Wellbeing Act 2008** insert—

**"198A Measures to enhance transparency during a state of emergency**

- (1) This section applies during any period when a declaration of a state of emergency is in force.
- (2) The Leader of the Opposition, the leader of any other political party represented in the Parliament or an independent elected member may request that the Premier provide briefings or specified information in relation to the circumstances causing a serious risk to public health out of which the state of emergency arises, or any other matter relating to the state of emergency.
- (3) The Premier must, as soon as practicable, provide the requested briefings or information to the person who requested it.
- (4) The President of the Legislative Council and the Speaker of the Legislative Assembly must make their best endeavours to summon each House to meet at least once during each month that the declaration is in force.".'

7. Insert the following New Clause after clause 7—

**'8 New sections 200A and 200B**

After section 200 of the **Public Health and Wellbeing Act 2008** insert—

**"200A Limit on power to give directions**

- (1) For the avoidance of doubt, a direction must not be given under subsection 200(1)(d) in relation to the attendance in the Parliamentary precincts of a member of the Parliament, or any other person engaged in the normal carrying on of business of the Parliament.

**Note**

Section 19 of the **Constitution Act 1975** provides for the privileges, immunities and powers (parliamentary privilege) of the Council and Assembly respectively and committees and members thereof. The **Public Health and Wellbeing Act 2008** does not expressly override section 19 of the **Constitution Act 1975**.

- (2) In this section—

***parliamentary precincts*** has the same meaning as in the **Parliamentary Precincts Act 2001**.

**200B Directions etc. to be laid before Parliament**

- (1) If a direction is given under section 200(1)(d) in the exercise of the emergency powers, the Minister must cause to be laid before both Houses of the Parliament, within one business day of the direction being given, a copy of—
  - (a) the direction; and
  - (b) all briefings provided, in respect of the giving of the direction, to the Chief Health Officer and the authorised officer who gave the direction (if that was not the Chief Health Officer); and
  - (c) a statement of the basis on which the direction was given, including as to how the giving of the direction relates to the objects of the Act.
- (2) If the Minister proposes to cause a copy of a direction, briefings and a statement to be laid before Parliament at a time when Parliament is not sitting, the Minister must give a

copy of the direction, the briefings and the statement to the Clerk of each House within one business day of the direction being given.

- (3) The Clerk of each House must—
- (a) give a copy of the direction, the briefings and the statement to each member of the House as soon as practicable after receiving them under subsection (2); and
  - (c) cause a copy of the direction, the briefings and the statement to be laid before the House on the next sitting day of the House."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 70 and 71

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#### No. 70 — Tuesday, 15 September 2020

- 1 The President took the Chair at 11.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 8 September 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:  
*Public Health and Wellbeing Amendment (State of Emergency Extension and Other Matters) Act 2020.*
- 3 **JOINT SITTING — SENATE VACANCY** — The President read a Message from the Assembly informing the Council that they had agreed to meet the Council on Friday, 4 September 2020 for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Richard Di Natale.  
The President reported that the House met with the Legislative Assembly on Friday, 4 September 2020 to choose a person to hold the seat in the Senate rendered vacant by the resignation of Senator Richard Di Natale and that Ms Lidia Thorpe was chosen to hold the vacant place in the Senate.
- 4 **PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.
- 5 **COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (EXTENSION) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the COVID-19 Omnibus (Emergency Measures) Act 2020 and the Residential Tenancies Act 1997 and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 6 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the House resolves otherwise —
  1. **Definition of Chamber**
    - (1) The lower public galleries and lower side galleries and upper galleries (excluding the media gallery) are taken to be part of the Legislative Council Chamber.
    - (2) Protective Services Officers are permitted to enter the upper galleries and will not be considered a 'stranger' for the purposes of Standing Order 22.01.

## 2. Discretion in ringing the bells to form a quorum

- (1) At the start of each day a quorum of 14 Members must be present in the Chamber in order for the President to take the Chair and the sitting to proceed.
- (2) To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.

## 3. Order of Business today

The Order of Business today will be —

- Messages
- Formal Business
- Members' Statements (up to 15 Members)
- Questions
- Answers to Questions on Notice
- Constituency Questions (up to 15 Members)
- Government Business
- At 10.00 p.m.** Adjournment (up to 20 Members).

## 4. Order of Business on a Tuesday

The Order of Business on a Tuesday will be —

- Messages
- Formal Business
- Members' Statements (up to 15 Members)
- Government Business
- At 12.00 noon** Questions
- Answers to Questions on Notice
- Constituency Questions (up to 15 Members)
- Government Business (continues)
- At 10.00 p.m.** Adjournment (up to 20 Members).

## 5. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate:
  - (a) Members' statements;
  - (b) constituency questions; and/or
  - (c) adjournment debate matters —they may provide them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept matters up to the number usually given in the House and as allocated between the parties and independents, in conjunction with any matters verbally given in the House each day.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred and after any matters (if any) that have been given in the House.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

## 6. Members may incorporate their speeches for Bills

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any Bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the Bill was debated.



- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

#### 7. Next sitting of the House

That the Council, at its rising on Wednesday, 16 September 2020, adjourn until Tuesday, 13 October 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 12 October 2020, and the President will notify Members of any changes to the next sitting date.

Debate ensued.

Question — put and agreed to.

#### 7 PETITIONS —

**REMOTE LEARNING FOR VCE STUDENTS DURING COVID-19 PANDEMIC** — Mr Atkinson presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Education and Training and the Department of Health and Human Services to take action to eliminate the potential risk of exposure to COVID-19 by continuing remote learning for all students, including VCE students, after the Stage 4 restrictions are lifted, until the threat of COVID-19 has passed completely and it is safe for students to return to face-to-face learning.

Ordered to lie on the Table.

\* \* \* \* \*

**ALLOW VICTIM-SURVIVORS TO SHARE THEIR STORIES** — Mr Atkinson presented a Petition bearing 1,191 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to further amend the *Judicial Proceedings Reports Act 1958* to allow victim-survivors to share their stories.

Ordered to lie on the Table.

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

\* \* \* \* \*

**RECLASSIFY BEAUTY THERAPY AS AN ESSENTIAL SERVICE** — Dr Bach presented a Petition bearing 1,316 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reclassify beauty salons and clinics as an essential service and allow these businesses to open in line with other essential businesses permitted to reopen under Stage 3 restrictions.

Ordered to lie on the Table.

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

\* \* \* \* \*

**GUN LICENCES CANCELLATION DUE TO COVID-19 BREACHES** — Mr Bourman presented a Petition bearing 1,594 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to seek an explanation from Victoria Police as to who authorised the cancellation of gun licences of lawful firearm owners who have breached COVID-19 directives and why these breaches are being treated the same as a violent crime.

Ordered to lie on the Table.

\* \* \* \* \*

**COVID-SAFE PLAN FOR REOPENING GYMS** — Mr Finn presented a Petition bearing 10,539 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to create and implement a COVID-19 Safe Plan for Victorians to attend gyms in a safe and secure manner.

Ordered to lie on the Table.

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

\* \* \* \* \*

**KIEWA VALLEY KINDERGARTEN COVID-19 FEE SUPPORT** — Ms Maxwell presented a Petition bearing 252 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding to Kiewa Valley Kindergarten under the School Readiness Funding initiative, to ensure they can continue to deliver early childhood education to their students during the COVID-19 pandemic.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP CONVENIENCE KILLING OF VICTORIAN SHELTER ANIMALS** — Mr Meddick presented a Petition bearing 27,545 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce legislation that implements mandatory public reporting of shelter animal euthanasia statistics, provides for mandatory rescue group access to all animals in pounds and shelters, and further prohibits euthanasia of animals in pounds and shelters where a rescue group is willing to take on its care, unless the animal is irremediably suffering or highly aggressive.

Ordered to lie on the Table.

- 8 PARLIAMENTARY COMMITTEES AMENDMENT (SARC PROTECTION AGAINST RIGHTS CURTAILMENT BY URGENT BILLS) BILL 2020** — Mr Davis introduced *A Bill for an Act to amend the Parliamentary Committees Act 2003 to enhance the role of the Scrutiny of Acts and Regulations Committee, and for other purposes.*

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

**9 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 8 of 2020 (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.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — pursuant to section 43 of the Act —

Advancing the Victorian Treaty Process — Report, 2019-20.

First Peoples' Assembly of Victoria — Report, 2020.

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster – Coronavirus (COVID-19) pandemic – Report 2, pursuant to section 23(7) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 (Statutory Rule No. 48) (*Gazette No. G31, 6 August 2020*).

National Parks Act 1975 — Minister's notice of consent of 20 July 2020, pursuant to section 40 of the Act, in relation to LV Blue Metal Proprietary Limited to conduct operations within Tyers Park to search for stone under the *Mineral Resources (Sustainable Development) Act 1990*.

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

Ballarat Planning Scheme — Amendment C211.

Banyule, Cardinia, Frankston, Hume, Manningham, Mornington Peninsula, Nillumbik and Whittlesea Planning Schemes — Amendment GC158.

- Bass Coast Planning Scheme — Amendment C153.
  - Baw Baw Planning Scheme — Amendment C141.
  - Campaspe Planning Scheme — Amendment C111.
  - Casey Planning Scheme — Amendments C207 (Part 2) and C265.
  - Central Goldfields Planning Scheme — Amendment C32.
  - Glen Eira Planning Scheme — Amendment C205.
  - Golden Plains Planning Scheme — Amendment C89.
  - Greater Geelong Planning Scheme — Amendment C394.
  - Greater Shepparton Planning Scheme — Amendment C221.
  - Greater Shepparton, Hume, Mitchell, Strathbogie and Whittlesea Planning Schemes — Amendment GC135.
  - Hepburn Planning Scheme — Amendment C79.
  - Latrobe Planning Scheme — Amendment C92.
  - Macedon Ranges Planning Scheme — Amendment C132.
  - Maroondah Planning Scheme — Amendment C138.
  - Melbourne Planning Scheme — Amendments C369, C372 and C397.
  - Mitchell, Moyne, Pyrenees and Yarra Ranges Planning Schemes — Amendment GC171.
  - Moonee Valley Planning Scheme — Amendments C193 and C210.
  - Moorabool Planning Scheme — Amendment C86.
  - Port Phillip Planning Scheme — Amendment C176.
  - Stonnington Planning Scheme — Amendment C309.
  - Whittlesea Planning Scheme — Amendment C233.
  - Wyndham Planning Scheme — Amendments C219 and C239.
  - Yarra Planning Scheme — Amendments C220 and C283.
- Statutory Rules under the following Acts of Parliament —
- City of Melbourne Act 2001 — Local Government Act 2020 — No. 92.
  - Gambling Regulation Act 2003 — No. 90.
  - Long Service Benefits Portability Act 2018 — No. 91.
  - Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 89.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 91 and 92.

**10 PRODUCTION OF DOCUMENTS — ORDERS MADE UNDER THE PUBLIC HEALTH AND WELLBEING ACT 2008** — The Clerk laid on the Table a letter from the Attorney-General, dated 14 September 2020, in response to the Resolution of the Council of 2 September 2020, relating to briefs relating to the public health and other orders made under the *Public Health and Wellbeing Act 2008* and other Acts, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

**11 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 16 September 2020 —

- (1) Order of the Day for the second reading of the Parliamentary Committees Amendment (SARC Protection Against Rights Curtailment by Urgent Bills) Bill 2020;
- (2) Order of the Day for the resumption of debate on the Victorian Law Reform Commission Amendment Bill 2020;
- (3) the notice of motion given this day by Mr Grimley in relation to reporting of sexual offences;
- (4) the notice of motion given this day by Mr Limbrick in relation to opening schools to all students at the start of Term 4;
- (5) the notice of motion given this day by Mr Quilty in relation to COVID-19 restrictions in regional Victoria;
- (6) the notice of motion given this day by Mr Davis in relation to the production of documents relating to the decision to impose a curfew; and

(7) the notice of motion given this day by Mr Davis in relation to the impact of COVID-19 restrictions on small businesses.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**13 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.

\* \* \* \* \*

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

- **Gun licence cancellations** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 17 September 2020.
- **Rural and regional Victoria – driving tests waitlist** — substantive and supplementary questions asked by Mr Grimley — response from Ms Pulford due Thursday, 17 September 2020.
- **Police actions enforcing COVID-19 restrictions** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 17 September 2020.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 276 be postponed until later this day.

**16 COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (EXTENSION) BILL 2020** — Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time, and by leave, debate be taken forthwith.

Question — That debate be taken forthwith — put and agreed to.

Debate ensued.

Amendments proposed to be moved in Committee by Ms Patten 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 without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 33

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

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

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**18 RETAIL LEASES AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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.

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

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

And then the Council, at 5.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 71 — Wednesday, 16 September 2020

**1** The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Improving Cancer Outcomes Act 2014 — Victorian cancer plan 2020-2024 – Improving cancer outcomes for all Victorians, pursuant to section 18(3) of the Act.

Ombudsman — Investigation into review of parking fines by the City of Melbourne, September 2020 (*Ordered to be published*).

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.

Victorian Law Reform Commission — Report on Committals, March 2020 (*Ordered to be published*).

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**4 PARLIAMENTARY COMMITTEES AMENDMENT (SARC PROTECTION AGAINST RIGHTS CURTAILMENT BY URGENT BILLS) BILL 2020** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

**5 VICTORIAN LAW REFORM COMMISSION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

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

## NOES, 16

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 367 be postponed until later this day.

**7 OPEN SCHOOLS TO ALL STUDENTS FROM THE START OF TERM 4** — Mr Limbrick moved, That this House notes that —

(1) during the Public Accounts and Estimates Committee hearing on 25 August 2020, the Minister for Education and Training, the Hon James Merlino MP, stated “In moving to stage 4 restrictions, probably the most difficult decision was remote and flexible learning for our youngest learners in early childhood education ... As with schools, this is not because services are unsafe, but we simply could not have so many families moving around the community”;

(2) the move to remote learning was not undertaken to protect the well-being of children;

(3) closing schools has caused significant harm to children, including long-term harm;

(4) the Government has not explicitly quantified these harms;

and calls on the Government to open schools to all students at the start of Term 4.

Debate ensued.

*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.

**HOTEL QUARANTINE MANAGEMENT GUIDELINES** — Ms Mikakos having given answers to a question without notice and supplementary question relating to hotel quarantine management guidelines —

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.

\* \* \* \* \*

**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:

- **Support for non-employing sole traders during pandemic** — substantive question asked by Mr Barton — response from Ms Pulford due Friday, 18 September 2020.

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

**10 OPEN SCHOOLS TO ALL STUDENTS FROM THE START OF TERM 4** — Debate continued on the question, That this House notes that —

(1) during the Public Accounts and Estimates Committee hearing on 25 August 2020, the Minister for Education and Training, the Hon James Merlino MP, stated “In moving to stage 4 restrictions, probably the most difficult decision was remote and flexible learning for our youngest learners in early childhood education ... As with schools, this is not because services are unsafe, but we simply could not have so many families moving around the community”;

(2) the move to remote learning was not undertaken to protect the well-being of children;

(3) closing schools has caused significant harm to children, including long-term harm;

- (4) the Government has not explicitly quantified these harms;  
and calls on the Government to open schools to all students at the start of Term 4.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 371 be postponed until later this day.

- 12 PRODUCTION OF DOCUMENTS — DECISION TO IMPOSE A COVID-19 CURFEW** — Mr Davis moved, That this House —

(1) notes —

- (a) the decision by the Government to impose a curfew, commencing at 8.00 p.m. on Sunday, 2 August 2020, was not based on health advice;
- (b) the Chief Health Officer, Professor Brett Sutton, has said “The curfew came in as part of the State of Disaster ... It wasn't a State of Emergency requirement ... I was consulted on it, but it was a separate decision-making pathway”;
- (c) that the Premier, the Hon Daniel Andrews MP, has not explained where the advice to impose a curfew came from;

(2) requires, in accordance with Standing Order 11.01, the Leader of the Government in the Legislative Council to table in the Council, by 2.00 p.m. Friday, 18 September 2020, copies of the briefs and other materials upon which the decision to impose a curfew was based; and

(3) calls on the Government to immediately lift the curfew due to the unjustified imposition on our liberties and freedoms.

Debate ensued.

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

Question — put and agreed to.

- 13 IMPACT OF COVID-19 RESTRICTIONS ON SMALL BUSINESSES** — Mr Finn (for Mr Davis) moved, That this House —

- (1) notes the very significant impact of the Government's enhanced and broad-brush Stage 4 lockdown on businesses, especially small businesses, across many sectors; and
- (2) calls on the Government to meet with relevant peak bodies and other representatives of individual business sectors, to work through the early evidence-based lifting of complete closures, sector by sector, where appropriate COVID-19 management plans are in place and it is safe to do so.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Finn.*

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

**15 ADJOURNMENT** — Ms Pulford 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 6.14 p.m., adjourned until Tuesday, 13 October 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 70 and 71

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### COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (EXTENSION) BILL 2020

*Committed Tuesday, 15 September 2020*

*Amendments circulated: Ms Patten (pp. 542-3)*

**Clauses 1 to 15** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (EXTENSION) BILL 2020

#### Amendments circulated by Ms Patten

1. Clause 3, line 9, after "waiver" insert ", reduction".
2. Clause 5, line 27, before "In" insert "(1)".
3. Clause 5, page 4, lines 1 to 5, omit all words and expressions on these lines and insert—
  - ""(na) the making of orders (**binding orders**)—
    - (i) directing landlords under eligible leases to give or agree to give specified rent relief to tenants under eligible leases, including in the case of a waiver or reduction of rent payable under eligible leases, rent relief that results in the rent payable under eligible leases conforming with the current market rent;
    - (ii) directing landlords under eligible leases to waive their rights to the payment of fees or liquidated damages (however described) under eligible leases in cases where tenants under eligible leases terminate them;
  - (naa) the content of binding orders;"
4. Clause 5, page 4, line 8, omit "**rent**".
5. Clause 5, page 4, line 9, omit "rent".
6. Clause 5, page 4, line 10, omit "rent".
7. Clause 5, page 4, line 12, omit "rent".
8. Clause 5, page 4, line 14, omit "rent".
9. Clause 5, page 4, line 17, omit "rent".
10. Clause 5, page 4, line 20, omit "rent".
11. Clause 5, page 4, line 22, omit "rent".
12. Clause 5, page 5, after line 21 insert—
  - '(2) After section 15(2) of the **COVID-19 Omnibus (Emergency Measures) Act 2020** insert—
    - "(2A) For the purposes of subsection (1)(na), current market rent is taken to be the rent obtainable at the time of the making of the binding order in a free and open market between a willing landlord and willing tenant in an arm's length transaction having regard to these matters—
      - (a) the provisions of the eligible lease;
      - (b) the rent that would reasonably be expected to be paid for the premises or part of the premises if they were unoccupied and offered for lease for the same, or a substantially similar, use to which that premises or part of premises may be put under an eligible lease;
      - (c) the landlord's outgoings to the extent to which the tenant is liable to contribute to those outgoings;
      - (d) rent concessions and other benefits offered to prospective tenants of unoccupied premises for lease under eligible leases—

but the current market rent is not to take into account the value of goodwill created by the tenant's occupation or the value of the tenant's fixtures and fittings.

- (2B) Regulations made under subsection (1)(ne) must include, as a criterion to be applied in determining relief applications relating to specified rent relief, the financial hardship that may be suffered by a landlord as a consequence of the making of a binding order directing them to give, or agree to give, specified rent relief.".'. .





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 72, 73, 74 and 75

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#### No. 72 — Tuesday, 13 October 2020

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE NAZIH ELASMAR MLC  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria  
on this day of 29 September 2020

LINDA DESSAU  
Governor

(L.S.)

By Her Excellency's Command  
DANIEL ANDREWS MP  
Premier

- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —

1. **Order of Business today**

The Order of Business today will be —

Messages  
Questions  
Answers to Questions on Notice  
Constituency Questions (up to 15 Members)  
Formal Business  
Members' Statements (up to 15 Members)  
Government Business  
**At 10.00 p.m.** Adjournment (up to 20 Members).

## 2. Sitting of the House on Thursday

The sitting of the Council, on Thursday, 15 October 2020, to commence at 10.00 a.m.

Question — put and agreed to.

- 4 TEMPORARY ORDER RELATING TO UPPER GALLERIES RESCINDED** — Ms Symes moved, by leave, That the temporary order agreed to by the House on 15 September 2020 defining the upper galleries as part of the Chamber be rescinded.

Question — put and agreed to.

- 5 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 22 September 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Act 2020*

*Retail Leases Amendment Act 2020.*

- 6 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the COVID-19 Omnibus (Emergency Measures) Act 2020 and other Acts to extend the operation of temporary modifications to the law of Victoria enacted for the purpose of responding to the COVID-19 pandemic and to provide for new temporary modifications to the law of Victoria for the purpose of responding to, and relating to, the COVID-19 pandemic and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, the Bill was read a first time.

Pursuant to Standing Order 14.34, Ms Symes declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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 until later this day.

- 7 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and to make related amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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 Rich-Phillips, the debate was adjourned until the next day of meeting.

- 8 POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Police Act 2013, the Crimes Act 1958, the Family Violence Protection Act 2008, the Sheriff Act 2009 and the Fire Rescue Victoria Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Rich-Phillips (for Mr O'Donohue), the debate was adjourned until the next day of meeting.

**9 RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that she had received from the Honourable Jenny Mikakos, on Saturday, 26 September 2020, her written resignation as a Member of the Victorian Legislative Council.

**10 JOINT SITTING — CASUAL COUNCIL VACANCY** — Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos and proposes that the time and place of such a meeting be the Legislative Assembly Chamber today, Tuesday, 13 October 2020 at 1.30 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

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

**WORKSAFE INVESTIGATIONS INTO HOTEL QUARANTINE** — Ms Stitt having given answers to a question without notice and supplementary question relating to WorkSafe investigations into hotel quarantine —

On the motion of Mr O'Donohue, 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:

- **Ambulance response times – GoodSAM app** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 15 October 2020.
- **Public housing waiting list** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Thursday, 15 October 2020.
- **Bushfire hazard reduction targets** — substantive question asked by Mr Bourman — response from Mr Leane due Thursday, 15 October 2020.

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

**13 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Taylor resigning from the Scrutiny of Acts and Regulations Committee, pursuant to section 21 of the *Parliamentary Committees Act 2003*, effective from today.

**14 PETITIONS** —

**ALLOW WEDDINGS UNDER COVID-19 RESTRICTIONS** — Mr Atkinson presented a Petition bearing 83 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the stage 4 COVID-19 restrictions banning weddings.

Ordered to lie on the Table.

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

\* \* \* \* \*

**REMOVE THE FIVE-KILOMETRE RADIUS RESTRICTION FOR EXERCISE DURING COVID-19** — Ms Patten presented a Petition bearing 1,545 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the COVID-19 five-kilometre radius restriction to allow Victorians living within the Metropolitan Melbourne area to exercise beyond a person's restricted radius within the permitted two-hour window, so that social distancing practices can be maintained while exercising.

Ordered to lie on the Table.

**WEST GATE TUNNEL CONTAMINATED SOIL** — Mr Finn presented a Petition bearing 3,511 signatures from certain citizens of Victoria requesting that the Legislative Council reject all proposals made by Transurban, Hi-Quality Victoria Pty Ltd., or any other organisation, to dispose of contaminated soil at the Hi-Quality Eco-hub tip in the interest of the nearby large residential growth area, to stop the current and planned excessive truck movements before lives are taken on a road that was planned and built for traffic conditions that existed 140 years ago and to call on the Minister for Planning, the Hon Richard Wynne MP, to refuse any changes to the Hume Planning Scheme or the current operators' permit conditions.

Ordered to lie on the Table.

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

\* \* \* \* \*

**CLARIFY GOALS OF COVID-19 RESPONSE** — Dr Cumming presented a Petition bearing 569 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide more clarity on the short and long-term goals, plan and criteria used to determine the success of both the COVID-19 response and for ensuring the physical, social, mental and economic health of Victorians.

Ordered to lie on the Table.

\* \* \* \* \*

**HARSHER PENALTIES FOR CHILD ABUSE PERPETRATORS** — Mr Grimley presented a Petition bearing 505 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider introducing harsher penalties for child abuse perpetrators, with minimum sentencing longer than 20 years.

Ordered to lie on the Table.

\* \* \* \* \*

**VOTE AGAINST THE COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — Mr Limbrick presented a Petition bearing 3,552 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020.

Ordered to lie on the Table.

\* \* \* \* \*

**VOTE AGAINST THE POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020** — Mr Limbrick presented a Petition bearing 647 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Police and Emergency Legislation Amendment Bill 2020.

Ordered to lie on the Table.

\* \* \* \* \*

**RELIEF FOR VEHICLE REGISTRATION FEES DURING COVID-19** — Mr Limbrick presented a Petition bearing 434 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Transport to provide relief for Victorians and their vehicle registration fees.

Ordered to lie on the Table.

\* \* \* \* \*

**COVID-19 SAFE PLAN FOR RE-OPENING SWIMMING POOLS** — Mr Limbrick presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to create and implement a COVID-19 Safe Plan for indoor and outdoor swimming pools so that pools can re-open in a safe and secure manner.

Ordered to lie on the Table.

\* \* \* \* \*

**CHANGE COVID-19 RESTRICTIONS FOR THE BEAUTY INDUSTRY** — Ms Lovell presented a Petition bearing 1,169 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to bring the restrictions placed on the beauty industry into alignment with the restrictions on hairdressing and retail providers.

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.

\* \* \* \* \*

**ONLINE TESTING FOR LEARNER PERMITS** — Ms Lovell presented a Petition bearing 2,834 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Transport to change the current learner permit testing system to an online testing system so all young Victorians can have the opportunity to obtain their licences during the COVID-19 restrictions.

Ordered to lie on the Table.

\* \* \* \* \*

**RE-OPEN BEAUTY SALONS** — Ms Lovell presented a Petition bearing 2,001 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health, the Honourable Jenny Mikakos, and the Department of Health and Human Services to allow beauty salons to re-open when hairdressers do under COVID-19 rules.

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.

\* \* \* \* \*

**REMOVE THE FIVE-KILOMETRE RADIUS COVID-19 RESTRICTION FOR THE MORNINGTON PENINSULA** — Mr O'Donohue presented a Petition bearing 177 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the five-kilometre radius COVID-19 restriction in the Mornington Peninsula immediately to give everyone the opportunity to maintain social connections and their mental wellbeing.

Ordered to lie on the Table.

On the motion of Mr O'Donohue, the petition was ordered to be taken into consideration on the next day of meeting.

## 15 PAPERS —

**VICTORIAN GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS REPORT, 2018-19** — Ms Stitt moved, by leave, That there be laid before this House a copy of The Victorian Government response to the Community Visitors Report, 2018-19, September 2020.

Question — put and agreed to.

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

\* \* \* \* \*

**INSPECTOR-GENERAL FOR EMERGENCY MANAGEMENT'S REPORT ON THE INQUIRY INTO THE 2019-20 VICTORIAN FIRE SEASON – PHASE 1** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management's Report on the Inquiry into the 2019-20 Victorian fire season – Phase 1.

Question — put and agreed to.

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

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 9 of 2020 (including Appendices and a Minority Report) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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

Debate ensued.

Question — put and agreed to.

**OMBUDSMAN — INVESTIGATION INTO CORPORATE CREDIT CARD MISUSE AT WARRNAMBOOL CITY COUNCIL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into corporate credit card misuse at Warrnambool City Council, October 2020.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Victoria's Homelessness Response, September 2020 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 20 September 2020 giving approval to the granting of a lease at Lakeside Stadium Reserve.

Minister's Order of 30 August 2020 giving approval to the granting of a lease at Royal Park Reserve.

Minister's Order of 11 September 2020 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Minister's Order of 17 September 2020 giving approval to the granting of a licence at Domain Parklands Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 83 (Gazette No. G39, 1 October 2020).

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

Ballarat Planning Scheme — Amendment C216 (Part 2).

Bayside Planning Scheme — Amendment C126.

Boroondara Planning Scheme — Amendment C321.

Cardinia Planning Scheme — Amendment C241.

Casey Planning Scheme — Amendment C277.

Corangamite Planning Scheme — Amendment C52.

Greater Dandenong Planning Scheme — Amendment C226.

Greater Geelong Planning Scheme — Amendment C420.

Macedon Ranges Planning Scheme — Amendment C134.

Maroondah Planning Scheme — Amendment C143.

Melbourne Planning Scheme — Amendments C368 and C386.

Moonee Valley Planning Scheme — Amendment C214.

Moreland Planning Scheme — Amendments C206 and C174 (Part 1).

Mount Alexander Planning Scheme — Amendment C93.

Moyne Planning Scheme — Amendment C66.

Stonnington Planning Scheme — Amendment C310.

Victoria Planning Provisions — Amendment VC169 and VC183.

Warrnambool Planning Scheme — Amendment C206.

Yarra Planning Scheme — Amendments C231 (Parts 1 and 3), C284 and C285.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 101.

Bus Safety Act 2009 — No. 102.

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 107.

Gender Equality Act 2020 — No. 97.

Local Government Act 2020 — City of Melbourne Act 2001 — No. 100.

Magistrates' Court Act 1989 — No. 94.

Occupational Health and Safety Act 2004 — No. 106.

Port Management Act 1995 — No. 108.

Public Health and Wellbeing Act 2008 — Nos. 93 and 99.

Residential Tenancies Act 1997 — No. 95.

Road Safety Act 1986 — Nos. 96 and 105.

Supreme Court Act 1986 — No. 98.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 103 and 109.

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 104.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 83, 90, 94, 96, 98, 100, 102 to 105 and 107 to 109.

Legislative instruments and related documents under section 16B in respect of a Minister's instrument of 28 September 2020 specifying content of training requirements under the Gambling Regulations 2015.

Victorian Government Purchasing Board — Report, 2019-20.

Victorian Local Government Grants Commission — Allocation Report, year ended 31 August 2020.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Act 2020 — Division 1 of Part 2 — 29 September 2020 (*Gazette No. S494, 29 September 2020*).

Emergency Management Legislation Amendment Act 2018 — Parts 3 and 4 — 30 September 2020 (*Gazette No. S494, 29 September 2020*).

Justice Legislation Amendment (Police and Other Matters) Act 2019 — sections 50 and 51 — 16 September 2020 (*Gazette No. S465, 15 September 2020*).

Petroleum Legislation Amendment Act 2020 — Section 28 — 6 October 2020 (*Gazette No. S504, 6 October 2020*).

**16 PRODUCTION OF DOCUMENTS — DECISION TO IMPOSE A COVID-19 CURFEW** — The Clerk laid on the Table a letter from the Attorney-General, dated 18 September 2020, in response to the Resolution of the Council of 16 September 2020, relating to the decision to impose a COVID-19 curfew, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

**17 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 14 October 2020 —

- (1) the notice of motion given this day by Mr Davis in relation to the tabling of public health orders and directions and referring these documents to the Scrutiny of Acts and Regulations Committee for review;
- (2) Order of the Day for the resumption of debate on the Road Safety Amendment (Medicinal Cannabis) Bill 2019;
- (3) Order of the Day for the resumption of debate on the Education and Training Reform Amendment (School Employment) Bill 2020;
- (4) Notice of Motion No. 359 standing in the name of Mr Davis in relation to the disallowance in full of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;
- (5) Order of the Day No. 40, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business; and
- (6) Order of the Day No. 29, resumption of debate on the motion relating to establishing a joint select committee to inquire into international treaties.

Question — put and agreed to.

**18 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Tuesday 13 October 2020 at 1.30 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon Jenny Mikakos.

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

- 20 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —*

The President reported that at the Joint Sitting, Ms Sheena Watt was chosen to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos.

- 21 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Ms Sheena Watt, having been introduced, approached the Table and took and subscribed the affirmation required by law.

- 22 MEMBERS' STATEMENTS** — Further statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 23 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 275, be postponed until later this day.

- 24 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis and Ms Symes were circulated.

*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.]*

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 16

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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

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

House in Committee.

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

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

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Bill further considered in Committee of the whole.

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

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

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —*

WEDNESDAY, 14 OCTOBER 2020

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Ms Symes moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 14

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

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

Question agreed to.

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Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Symes 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, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 16

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; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**25 ADJOURNMENT** — Ms Tierney 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 2.24 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 73 — Wednesday, 14 October 2020

- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Ms Stitt resigning from the Public Accounts and Estimates Committee, pursuant to section 21 of the *Parliamentary Committees Act 2003*, effective from 13 October 2020.
- 3 **JOINT COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Ms Taylor be a member of the Public Accounts and Estimates Committee;
  - (2) Ms Terpstra be a member of the Scrutiny of Acts and Regulations Committee; and
  - (3) Ms Tierney be a member of the Dispute Resolution Committee.

Mr Davis moved, as an amendment, That in paragraph (1) the words “Ms Taylor” be **omitted** with a view of **inserting** in their place “Mr Grimley”.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 16

Dr Bach; Mr Barton; 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 Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

- 4 **PETITION — TRAFFIC NOISE ON THE GEELONG RING ROAD, FYANSFORD** — Mrs McArthur presented a Petition bearing 59 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to release all Acoustic Reports completed for The Heights estate in Fyansford, conduct a new Acoustic Report as a matter of priority and provide all landowners at The Heights estate a copy of the Report, and urgently assess the required noise walls and relevant infrastructure on the Geelong Ring Road above The Heights estate and conduct an inquiry into regulated noise levels along the entire Geelong Ring Road bypass.

Ordered to lie on the Table.

**5 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 Office — Report, 2019-20.

Auditor-General's Reports on —

Follow up of Managing the Level Crossing Removal Program, October 2020 (*Ordered to be published*).

Reducing Bushfire Risks, October 2020 (*Ordered to be published*).

Essential Services Commission Act 2001 — Port of Melbourne – Market Rent Inquiry 2020, Public Report.

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extensions of the Declaration of a State of Emergency, pursuant to section 198(8A) of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 95.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**7 COVID-19 PUBLIC HEALTH ORDERS AND DIRECTIONS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE REFERENCE AND PRODUCTION OF DOCUMENTS** — Mr Davis moved, That this House —

- (1) notes that orders and directions pursuant to the *Public Health and Wellbeing Act 2008* have been published in the Government Gazette during the COVID-19 pandemic;
- (2) notes that these orders and directions are legislative instruments under the *Subordinate Legislation Act 1994*;
- (3) further notes these instruments impact the freedoms, rights and liberties of Victorians and should be openly and transparently assessed to ensure proportionality and legitimate restrictions on the rights and freedoms of Victorians are minimised;
- (4) requires the Leader of the Government to lodge with the Clerk every public health order or direction related to COVID-19 published in the Government Gazette pursuant to the *Public Health and Wellbeing Act 2008* currently in force within 48 hours of the House agreeing to this resolution and requires these and all future orders and directions related to COVID-19 made under the *Public Health and Wellbeing Act 2008* published in the Government Gazette to be tabled by the Clerk, and if —
  - (a) the House is sitting, the Clerk will cause such documents to be laid on the Table at the earliest opportunity;
  - (b) the House is not sitting, as soon as practicable after such documents are received or have been published in the Government Gazette, the Clerk will notify each member of the House of the publication of the documents in the Tabled Documents Database, and cause such documents to be laid on the Table on the next sitting day of the Council;
- (5) requires the Clerk to ensure that the Minutes of the Proceedings and the Tabled Documents Database reflect the tabling of each order and direction;
- (6) requires the Clerk to transmit a copy of each order and direction when it is published in the Tabled Documents Database to the Scrutiny of Acts and Regulations Committee (SARC);
- (7) pursuant to section 33(1)(a) of the *Parliamentary Committees Act 2003*, requires the SARC to inquire into and examine —
  - (a) the appropriateness and proportionality of distance restrictions introduced in recent orders and directions made under the *Public Health and Wellbeing Act 2008*, commonly known as the five-kilometre radius rule and rules mandating masks and the circumstances in which these are proportionate and reasonably necessary to achieve public health objectives and minimise legitimate restrictions on the rights and freedoms of Victorians and report on this within three weeks;
  - (b) every public health order or direction made under the *Public Health and Wellbeing Act 2008* transmitted to the Committee by the Clerk to —
    - (i) assess and report on the impact of these legislative instruments on the rights and liberties of Victorians and regarding any matters with respect to the *Charter of*

*Human Rights and Responsibilities Act 2006 and the Subordinate Legislation Act 1994;*

- (ii) as a default, seek public submissions and undertake hearings;
  - (iii) other than in exceptional circumstances, report within two weeks of an order or direction being transmitted to the Committee by the Clerk, including recommendations as to whether or not the legislative instrument should be disallowed in whole or in part;
- (8) requires, pursuant to Standing Order 11.01, within 48 hours of each public health order or direction being tabled in the House by the Clerk, the Leader of the Government to table in the House the briefings supporting the order or direction made by the Chief Health Officer or their delegate and the briefing provided to the Minister for Health justifying the order or direction pursuant to the objectives of the *Public Health and Wellbeing Act 2008*.

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, 16

Dr Bach; 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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Workplace safety – hotel quarantine** — substantive question asked by Mr O'Donohue — response from Ms Stitt due Thursday, 15 October 2020.
- **COVID-19 serological characteristics** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 16 October 2020.
- **The Orange Door family violence services** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Friday, 16 October 2020.
- **Stamp duty and absentee owner surcharges** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 16 October 2020.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — 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.

- 11 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.



**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until the next day of meeting.

**13 ENVIRONMENT PROTECTION (MANAGEMENT OF TUNNEL BORING MACHINE SPOIL) REGULATIONS 2020 — DISALLOWANCE** — Mr Davis moved, That this House, pursuant to section 71(4) of the *Environment Protection Act 1970* and section 23 of the *Subordinate Legislation Act 1994*, disallows, in full, the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 which were gazetted on 30 June 2020 and tabled in this House on 4 August 2020.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Meddick.*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 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 6.17 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 74 — Thursday, 15 October 2020

**1** The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

**2 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill in accordance with Joint Standing Order 6(1):

In clause 16, page 12, line 31, as inserted by the Council's amendment agreed to by the Assembly, which inserts new subsection (1A)(f) into the *Public Health and Wellbeing Act 2008*, inserting a double quotation mark and a third full stop at the end of the new subsection, as follows:

(f) a health service provider.”.”.

**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 Report on —

Accessibility of Tram Services, October 2020 (*Ordered to be published*).

Early Years Management in Victorian Sessional Kindergartens, October 2020 (*Ordered to be published*).

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster – Coronavirus (COVID-19) pandemic – Report 3, pursuant to section 23(7) of the Act.

Financial Management Act 1994 — 2019-20 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).

Fire Rescue Victoria Act 1958 — Year One Fire Services Reform Implementation Plan, October 2020.

National Parks Act 1975 — Report on the working of the Act, 2019-20.

National Parks Advisory Council — Report, 2019-20.

Public Record Office Victoria — Report, 2019-20.

**4 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Friday, 16 October 2020 —

(1) Notice of Motion No. 350 standing in the name of Dr Cumming in relation to establishing a Select Committee to inquire into the strategic direction for complementary therapies;

- (2) Notice of Motion No. 357 standing in the name of Dr Cumming in relation to the use of revenue collected from gambling activities; and
- (3) Order of the Day No. 36, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 275, be postponed until later this day.

**7 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until later this day.

**8 50<sup>TH</sup> ANNIVERSARY OF THE WEST GATE BRIDGE COLLAPSE** — Ms Stitt moved, by leave, That this House —

(1) notes that Thursday, 15 October 2020 marks the 50<sup>th</sup> anniversary of Victoria's most profound industrial disaster, the West Gate Bridge collapse, which occurred at 11.50 a.m., on Thursday, 15 October 1970;

(2) expresses —

- (a) deep grief for the 35 workers who lost their lives, and the 18 who were seriously injured;
- (b) gratitude to the frontline emergency workers who attended the scene;
- (c) appreciation for the heroic acts of workers and others who survived and assisted in the rescue efforts;
- (d) sincere condolences to the families and friends of those who were killed or injured in this tragic accident and stands with those who survived and continue to fight for the rights of workers to a health and safe workplace;

(3) acknowledges that the West Gate Bridge collapse was a turning point for workplace safety in the state of Victoria;

(4) recognises —

- (a) the ongoing efforts of many who survived that day in campaigning for ground-breaking occupational health and safety laws;
- (b) our occupational health and safety laws play a critical part in ensuring that these large-scale industrial tragedies do not happen again; and
- (c) we must recommit to doing all that we can to ensure that Victorian workers come home safe at the end of each day.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Bus licensing – VicRoads** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 19 October 2020.
- **Right to protest** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Monday, 19 October 2020.
- **COVID-19 – impact on spa industry** — supplementary question asked by Mr Atkinson — response from Ms Pulford due Friday, 16 October 2020.
- **Firearms licenses – approval timeframes** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 19 October 2020.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020** — 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 POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 6

Mr Atkinson; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**13 CLADDING SAFETY VICTORIA BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a body corporate called Cladding Safety Victoria for the purposes of administering a cladding rectification program and to make related amendments to the Building Act 1993 and the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**14 CONSUMER LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make amendments to the Residential Tenancies Amendment Act 2018 and the Retirement Villages Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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 Rich-Phillips, the debate was adjourned for one week.

**15 WORKER SCREENING BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the screening of persons working with or caring for children or providing supports or services to persons with a disability under the National Disability Insurance Scheme, to repeal the Working with Children Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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.

**16 ADJOURNMENT** — Ms Symes 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 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 75 — Friday, 16 October 2020

- 1 The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Forests (Wood Pulp Agreement) Act 1996 — Amendment to the Agreement in the Schedule to the Forests (Wood Pulp Agreement) Act 1996, under section 7 of the Act.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 110.
- 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 27 October 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 26 October 2020, and the President will notify Members of any changes to the next sitting date.  
Question — put and agreed to.
- 4 **SELECT COMMITTEE — COMPLEMENTARY THERAPIES** — Dr Cumming moved, That —
  - (1) this House —
    - (a) recognises the increasing financial burden on the Victorian health system by preventable illnesses and the COVID-19 pandemic;
    - (b) notes complementary therapies —
      - (i) demonstrate effectiveness in areas of burden to the health system;
      - (ii) is a sector worth \$9 billion and supports domestic jobs, farming, manufacturing, research and exports;
      - (iii) are often cost effective and less invasive;
    - (c) further notes that the Government has a role in —
      - (i) acknowledging and meeting user demands with safe and reliable choices;
      - (ii) ensuring key health policies address complementary therapies;
  - (2) a Select Committee of seven Members be appointed to inquire into, consider and report, by 1 June 2021, on the strategic direction for complementary therapies, including but not limited to —
    - (a) the accreditation, registration and regulation of complementary therapy practitioners;
    - (b) the availability of complementary therapies and treatment in hospital settings;
    - (c) opportunities to improve public awareness regarding access, effectiveness and safety;
    - (d) the treatment and access to education pathways and research;
    - (e) any other related matters;
  - (3) the Committee shall consider previous reviews and inquiries into complementary therapies in their investigation;
  - (4) the Committee consist of three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader

- of the Opposition in the Council, and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
  - (6) the Chair of the Committee will be a Member of a minority group or an independent Member and the Deputy Chair will be a Member of the Government;
  - (7) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote; and
  - (8) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 357, be postponed until the next day of meeting.
- 6 IMPACT OF COVID-19 RESTRICTIONS ON SMALL BUSINESSES** — Debate resumed on the question, That this House —
  - (1) notes the very significant impact of the Government's enhanced and broad-brush Stage 4 lockdown on businesses, especially small businesses, across many sectors; and
  - (2) calls on the Government to meet with relevant peak bodies and other representatives of individual business sectors, to work through the early evidence-based lifting of complete closures, sector by sector, where appropriate COVID-19 management plans are in place and it is safe to do so.

*Business having been interrupted at the conclusion of 2 hours of General Business pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Finn.*

- 7 CLADDING SAFETY VICTORIA BILL 2020** — Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.  
Ms Stitt moved, That the Bill be now read a second time.  
On the motion of Mr Davis, the debate was adjourned for one week.

- 8 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Davis were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

- 9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**CHIEF HEALTH OFFICER EVIDENCE TO COVID-19 HOTEL QUARANTINE INQUIRY** — Ms Symes having given answers to a question without notice and supplementary question relating to the Chief Health Officer's evidence to the COVID-19 Hotel Quarantine Inquiry —

On the motion of Mr O'Donohue, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **COVID-19 workplace safety** — substantive question asked by Mr Davis — response from Ms Stitt due Monday, 19 October 2020.
- **Illegal fur sales** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Tuesday, 20 October 2020.
- **Veterans housing during pandemic** — substantive question asked by Ms Patten — response from Mr Leane due Monday, 19 October 2020.
- **Malmsbury Youth Justice Centre – use of internet by detainees** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Tuesday, 20 October 2020.
- **Impact of lockdown on Victorian community and economy** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Tuesday, 20 October 2020.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020** — 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 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 POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Sessional Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 ADJOURNMENT** — Ms Pulford 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 6.04 p.m., adjourned until Tuesday, 27 October 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 72, 73, 74 and 75

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### COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020

*Committed Tuesday, 13 October 2020*

*Amendments circulated: Mr Davis (p. 568) and Ms Symes (pp. 568-9)*

**Clauses 1 to 14** — put and agreed to.

**Clause 15** — Question — That clause 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 16** — Ms Symes moved Amendment Nos. 1 to 5 — put and agreed to.

Question — That clause 16, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**New Clause** — Mr Davis moved Amendment No. 1.

Question — That the New Clause stands part of the Bill — 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; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 17 to 46** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020**

*Committed Friday, 16 October 2020*

*Amendments circulated: Mr Davis (pp. 569-70)*

**Clauses 1 to 19** — put and agreed to.

**Clause 20** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Davis moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 20 — put and agreed to.

**Clauses 21 to 28** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020**

*Committed Friday, 16 October 2020*

*Amendments circulated: Mr O'Donohue (p. 570)*

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr O'Donohue moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 20** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020

#### Amendments circulated by Mr Davis

1. Insert the following New Clause to follow clause 16—

#### '16A New section 200AA inserted

After section 200 of the **Public Health and Wellbeing Act 2008** insert—

#### "200AA Revocation of provisions of particular direction

Despite section 200, clause 5(1AB) of Part 2 of the *Stay at Home Directions (Restricted Areas) (No 18)* made on 11 October 2020 under section 200(1)(b) and (d) is, by force of this section, revoked on the commencement of this section."

2. Insert the following New Clause to follow clause 16—

#### '16B New section 200AB inserted

Before section 201 of the **Public Health and Wellbeing Act 2008** insert—

#### "200AB Certain provisions of instruments are of no effect and are not enforceable

Despite section 200, a provision of any direction made or purportedly made under section 200(1) that provides that a person must not travel further than a specified distance from any premises, whether or not subject to exceptions, is void and of no effect, and a contravention of such a provision is not an offence under section 203(1)."

#### Amendments circulated by Ms Symes

1. Clause 16, page 12, after line 12, insert —

#### "249A Definitions

- (1) For the purposes of this Division—

**protective services officer** has the same meaning as in the **Victoria Police Act 2013**;

**Worksafe inspector** means an inspector within the meaning of the **Occupational Health and Safety Act 2004**;

**health service provider** has the same meaning as in the Health Practitioner Regulation National Law.

- (2) For the purposes of this Division, an authorised officer is **appointed under the temporary provisions** if the authorised officer is appointed under section 30(1A), as notionally inserted by section 250."

2. Clause 16, page 12, lines 24 and 25, omit ", experience or otherwise" and insert "or experience".

3. Clause 16, page 12, lines 26 and 27, omit all words and expressions on these lines and insert—

"(b) a police officer;

(c) a protective services officer;

(d) a Worksafe inspector;

(e) an employee in the public sector of a State other than Victoria, or a territory;

(f) a health service provider."

4. Clause 16, page 12, after line 27, insert—

**"250A Limitation on the powers that may be conferred on authorised officers appointed under the temporary provisions**

- (1) Despite section 189, the Chief Health Officer may only authorise an authorised officer appointed under the temporary provisions to exercise the following public health risk powers—
  - (a) if the authorised officer is a police officer or a protective services officer, the public health risk powers referred to in sections 190(1)(c), (d), (e) and (f);
  - (b) if the authorised officer is a Worksafe inspector, the public health risk powers referred to in sections 190(1)(c), (d), (e), (f), (g), (h), (i), (j) and (k);
  - (c) if the authorised officer is a person appointed under section 30(1A)(a), the public health risk powers referred to in sections 190(1)(d) and (e);
  - (d) if the authorised officer is a person appointed under section 30(1A)(e) or (f), the public health risk powers specified in the authorised officer's instrument of appointment.
- (2) Despite section 199, the Chief Health Officer must not authorise an authorised officer who is appointed under the temporary provisions to exercise any of the emergency powers.

**Note**

The emergency powers include powers to detain persons or groups of persons.

- (3) This section does not limit the restrictions to which the appointment of an authorised officer may otherwise be subject under this Act."

5. Clause 16, page 13, lines 1 to 35, page 14, lines 1 to 35 and page 15, lines 1 to 16, omit all words and expressions on these lines.

**2. PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020**

Amendments circulated by Mr Davis

1. Clause 20, page 18, after line 17 insert—

**"59A Tabling of certain transferred property details**

The Minister must cause the following information in relation to all land to which section 48 applies to be laid before each House of the Parliament within 6 sitting days of that House after the commencement day—

- (a) a description of the land, including the land's address or location;
- (b) the value of the land as assessed in the last valuation of that land under the **Valuation of Land Act 1960**;
- (c) the value of the land on the commencement day;
- (d) the value of the change to the net asset base of the declared Department for the purposes of section 29 of the **Financial Management Act 1994** as a result of the transfer of the relevant land under section 48."

2. Clause 20, page 24, after line 10 insert—

**"72A Tabling of specified transport projects details**

The Minister must cause the following information in relation to each specified transport project to be laid before each House of the Parliament within 6 sitting days of that House after the commencement day—

- (a) the total estimated investment of the project;
- (b) the total actual spend for the project immediately before the commencement day;
- (c) the total funding over the forward estimates of the project for the purposes of section 40 of the **Financial Management Act 1994**, for the 4 consecutive financial years starting with the financial year 2020/2021;
- (d) the actual or estimated changes to the net asset base of the Department of Transport and the Head, Transport for Victoria for the purposes of section 29 of the **Financial Management Act 1994** as a result of the transfer under section 61."

### 3. POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020

#### Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, after line 5 insert—  
"(jia) to require a minimum service level of protective services officers on certain railway stations between certain times; and".
2. Clause 1, page 2, lines 21 and 22, omit "Fire Rescue Victoria fire district map references and".
3. Insert the following New Clause to follow clause 5—

#### **'5A New section 37A inserted**

After section 37 of the **Victoria Police Act 2013** insert—

#### **"37A Deployment at railway stations**

The Chief Commissioner must ensure that at least 2 protective services officers are allocated or deployed to or at each of the following railway stations from 6 p.m. until the last train each day—

- (a) every railway station in the Melbourne metropolitan area;
- (b) Ballarat railway station;
- (c) Bendigo railway station;
- (d) Geelong railway station;
- (e) Traralgon railway station."

4. Clause 18, omit this clause.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 76, 77, 78 and 79

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#### No. 76 — Tuesday, 27 October 2020

- 1 The President took the Chair at 11.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE RONALD ALEXANDER BEST** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 14 October 2020, of Mr Ronald Alexander Best and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for North Western Province from 1988 to 2002.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
  1. **Order of Business today**  
The Order of Business today will be —
    - Messages
    - Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 10.00 p.m.** Adjournment (up to 20 Members).
  2. **Sitting of the House on Thursday**  
The sitting of the Council, on Thursday, 29 October 2020, to commence at 10.00 a.m.  
Question — put and agreed to.
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 20 October 2020 —
    - COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020*
    - National Energy Legislation Amendment Act 2020*
  - On 27 October 2020 —
    - Police and Emergency Legislation Amendment Act 2020*
    - Project Development and Construction Management Amendment Act 2020.*

**5 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.

\* \* \* \* \*

**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 Highway – Djab Wurrung cultural heritage** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Leane due Thursday, 29 October 2020.
- **WorkSafe inspectors appointed as authorised officers** — substantive question asked by Mr O'Donohue — response from Ms Stitt due Wednesday, 28 October 2020.
- **Wildlife slaughtering method** — substantive question asked by Mr Meddick — response from Mr Leane due Thursday, 29 October 2020.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**7 PETITIONS** —

**HOME-BASED AND MOBILE DOG GROOMERS DURING COVID-19** — Mr Atkinson presented a Petition bearing 723 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, the Hon Daniel Andrews MP, and the Department of Health and Human Services to review COVID-19 restrictions to allow home-based groomers and mobile dog groomers to re-open during the pandemic.

Ordered to lie on the Table.

\* \* \* \* \*

**REMOVE THE COVID-19 CURFEW** — Dr Cumming presented a Petition bearing 331 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health and the Chief Health Officer to remove the COVID-19 curfew restriction unless clear evidence shows that a curfew is necessary.

Ordered to lie on the Table.

On the motion of Dr Cumming, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**COVID-19 SAFE PLAN FOR RE-OPENING MARTIAL ARTS CLUBS** — Mr Limbrick presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to create and implement a COVID-19 Safe Plan for Victorians to attend non-contact martial arts and taekwondo clubs in a safe and secure manner.

Ordered to lie on the Table.

\* \* \* \* \*

**RE-OPEN THE HOSPITALITY INDUSTRY SAFELY DURING THE CURRENT STATE OF EMERGENCY** — Mr Quilty presented a Petition bearing 3,829 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allow the hospitality sector to re-open safely with previous stage two restrictions being the maximum imposed.

Ordered to lie on the Table.

**8 HOUSING AMENDMENT (CREATING JOBS AND HOMES) BILL 2020** — Dr Ratnam introduced *A Bill for an Act to amend the Housing Act 1983 to set targets for public housing construction, mandate energy efficiency standards in new public housing, and prevent the disposal of public housing land and public land that is suitable for public housing, and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.



**9 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 10 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2019** —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the Annual Review 2019 on Regulations and Legislative Instruments (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.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 —

Banyule Planning Scheme — Amendment C120.

Boroondara and Manningham Planning Schemes — Amendment GC164.

Brimbank Planning Scheme — Amendment C223.

Glen Eira Planning Scheme — Amendments C196 and C202.

Maroondah Planning Scheme — Amendment C141.

Moonee Valley Planning Scheme — Amendment C213.

Mornington Peninsula Planning Scheme — Amendment C261.

Port Phillip Planning Scheme — Amendments C166 and C174.

Stonnington Planning Scheme — Amendment C307.

Victoria Planning Provisions — Amendment VC193.

Whitehorse Planning Scheme — Amendment C227.

Yarra Planning Scheme — Amendments C278, C282 and C287.

Statutory Rules under the following Acts of Parliament —

Planning and Environment Act 1987 — No. 111.

Subordinate Legislation Act 1994 — No. 110.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 101, 112, 113 and 115 to 117.

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on —

(1) Wednesday, 27 October 2020 —

(a) Notice of Motion No. 379, in an amended form, standing in the name of Mr Meddick in relation to pound and shelter reform;

(b) the notice of motion given this day by Ms Crozier referring a matter to the Legal and Social Issues Committee relating to COVID-19 contact tracing;

(c) Order of the Day No. 38, resumption of debate on the motion relating to disallowance of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;

(d) the notice of motion given this day by Mr Davis in relation to the Suburban Rail Loop business case;

(e) Notice of Motion No. 361 standing in the name of Mr Hayes referring a matter to the Environment and Planning Committee relating to the adequacy of the Victorian planning framework in relation to planning and heritage protection;

(2) Friday, 30 October 2020 —

(a) the notice of motion given this day by Mr Davis in relation to the production of documents relating to public health and other orders;

- (b) the notice of motion given this day by Mr Davis in relation to the Suburban Rail Loop business case; and
- (c) the notice of motion given this day by Mr Davis in relation to evidence given by the Chief Health Officer to the COVID-19 Hotel Quarantine Inquiry.

Question — put and agreed to.

**11 TIME LIMITS SESSIONAL ORDER — GENERAL BUSINESS — FRIDAY SITTINGS —**

Mr Davis moved, by leave, That Sessional Order 8 be suspended in relation to Friday sittings for the remainder of this year to allow the total time allocated to each General Business item to be 60 minutes.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**13 CLADDING SAFETY VICTORIA BILL 2020 —** 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.

**14 EDUCATION AND TRAINING REFORM AMENDMENT (REGULATION OF STUDENT ACCOMMODATION) BILL 2020 —** 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.

**15 ADJOURNMENT —** Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.49 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 77 — Wednesday, 28 October 2020

1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — RE-OPEN DANCE STUDIOS AND DANCE SCHOOLS DURING COVID-19 —** Dr Bach presented a Petition bearing 948 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, the Hon Daniel Andrews MP, and the Department of Health and Human Services to review COVID-19 restrictions and the risk of operating dance studios and dance schools, reclassify dance studios and dance schools rightly as 'creative studios', allow dance studios and dance schools to re-open immediately in regional Victoria and as part of the third step of the roadmap for metro Melbourne, and finally allow all dance studios and dance schools to have immediate access to teach from their studios, operating under endorsed COVID-safe plans.

Ordered to lie on the Table.

On the motion of Dr Bach, the petition was ordered to be taken into consideration on the next day of meeting.

### 3 PAPERS —

**PARLIAMENTARY DEPARTMENTS** — Ms Lovell moved, by leave, That there be laid before this House a copy of the —

(1) Department of the Legislative Council Report, 2019-20; and

(2) Department of Parliamentary Services Report, 2019-20.

Question — put and agreed to.

The Reports were presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**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 —

Alpine Resorts Planning Scheme — Amendment C29.

Banyule Planning Scheme — Amendment C159.

Nillumbik Planning Scheme — Amendment C117 (Part 2).

Port Phillip Planning Scheme — Amendment C192.

Wellington Planning Scheme — Amendment C102.

Statutory Rules under the following Acts of Parliament —

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 118.

Estate Agents Act 1980 — No. 114.

Local Government Act 1989 — No. 115.

Local Government Act 2020 — Nos. 116 and 117.

Magistrates' Court Act 1989 — Nos. 112 and 113.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 114.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**5 POUND AND SHELTER REFORM** — Mr Meddick moved, That this House —

(1) notes community concern about the killing of healthy or treatable companion animals in Victorian pounds and shelters;

(2) calls on the Government to —

(a) introduce mandatory reporting of pound and shelter kill rates;

(b) implement the requirement for pounds and shelters to work with approved and regulated rescue groups before ending an animal's life;

(c) introduce more subsidised and free desexing initiatives for companion animals;

(d) consider the introduction of a trap, neuter, return (TNR) program, noting the positive long-term impacts these programs have on community cat populations; and

(e) commit to implementing immediate reuniting of missing companion animals through vet clinics, to stop the unnecessary process of going through the pound system.

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, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 3

Mr Bourman; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

- 6 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — COVID-19 CONTACT TRACING** — Ms Crozier moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government's COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria's multicultural communities, and provide —

- (1) an initial report to the House no later than 30 November 2020; and
- (2) further reports to the House, following the initial report, as required until 31 December 2021.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

- 7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**AGRICULTURAL SEASONAL WORKERS** — Ms Symes having given answers to a question without notice and supplementary question relating to agricultural seasonal workers —

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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **I Cook Foods closure** — substantive and supplementary questions asked by Ms Crozier — response from Ms Symes due Thursday, 29 October 2020.
- **Taxi and hire car industry** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 30 October 2020.
- **Events sector requirements post COVID-19** — substantive question asked by Mr Davis — response from Ms Pulford due Friday, 30 October 2020.
- **Business case for standardised rail gauge project** — substantive and supplementary questions asked by Mr Grimley — response from Ms Pulford due Friday, 30 October 2020.
- **Workplace COVID-19 safety inspections – public sector** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Stitt due Thursday, 29 October 2020 for the substantive question and Friday, 30 October 2020 for the supplementary question.
- **Victorian Commission for Gambling and Liquor Regulation – regulation of Crown Casino** — substantive and supplementary questions asked by Mr Hayes — response from Ms Tierney due Friday, 30 October 2020.
- **Small business consultations during pandemic** — substantive question asked by Mr Limbrick — response from Ms Pulford due Thursday, 29 October 2020.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 9 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — COVID-19 CONTACT TRACING** — Debate continued on the question, That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government's COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria's multicultural communities, and provide —

- (1) an initial report to the House no later than 30 November 2020; and
- (2) further reports to the House, following the initial report, as required until 31 December 2021.

Ms Taylor moved, as an amendment, That all the words and expressions after “and provide” be **omitted** with a view of **inserting** the following in their place:

“a report to the House no later than 14 December 2020.”.

Debate ensued.

*The President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — That the amendment moved by Ms Taylor be agreed to — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the motion moved by Ms Crozier, amended as follows, be agreed to — That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government’s COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria’s multicultural communities, and provide a report to the House no later than 14 December 2020 — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No.1, and Notice of Motion, General Business, No. 399, be postponed until later this day.

**11 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — VICTORIAN PLANNING FRAMEWORK** — Mr Hayes moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, by June 2022, on the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework in relation to planning and heritage protection, and in particular the Committee is to examine —

- (1) the high cost of housing, including but not limited to —
  - (a) provision of social housing;
  - (b) access for first home buyers;
  - (c) the cost of rental accommodation;
  - (d) population policy, state and local;
  - (e) factors encouraging housing as an investment vehicle;
  - (f) mandatory affordable housing in new housing developments;
- (2) environmental sustainability and vegetation protection;
- (3) delivering certainty and fairness in planning decisions for communities, including but not limited to —
  - (a) mandatory height limits and minimum apartment sizes;
  - (b) protecting Green Wedges and the urban growth boundary;
  - (c) community concerns about VCAT appeal processes;
  - (d) protecting third party appeal rights;
  - (e) the role of Ministerial call-ins;
- (4) protecting heritage in Victoria, including but not limited to —
  - (a) the adequacy of current criteria and processes for heritage protection;
  - (b) possible federal involvement in heritage protection;
  - (c) separating heritage protection from the planning administration;
  - (d) establishing a heritage tribunal to hear heritage appeals;

- (e) the appointment of independent local and state heritage advisers;
- (f) the role of Councils in heritage protection;
- (g) penalties for illegal demolitions and tree removals;
- (5) ensuring residential zones are delivering the type of housing that communities want; and
- (6) any other matter the Committee considers relevant.

Debate ensued.

Question — put and agreed to.

- 12 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.
- 13 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 14 INAUGURAL SPEECH — MS SHEENA WATT** — Pursuant to Standing Order 5.08, Ms Sheena Watt made her inaugural speech.
- 15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.36 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 78 — Thursday, 29 October 2020

- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS —**

**PARLIAMENTARY BUDGET OFFICE REPORT, 2019-20** — Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, Ms Taylor, on behalf of the Public Accounts and Estimates Committee, presented the Parliamentary Budget Office Report, 2019-20.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

AMES Australia — Report, 2019-20.

Australian Centre for the Moving Image (ACMI) — Report, 2019-20.

City West Water Corporation — Report, 2019-20.

Council of Trustees of the National Gallery of Victoria (NGV) — Report, 2019-20.

Development Victoria — Report, 2019-20.

Docklands Studios Melbourne Pty Ltd — Report, 2019-20.

Eastern Health — Report, 2019-20.

Education and Training Department — Report, 2019-20.

Emergency Services Superannuation Scheme (ESSSuper) — Report, 2019-20.

Environment, Land, Water and Planning Department — Report, 2019-20.

Film Victoria — Report, 2019-20.

Goulburn-Murray Rural Water Corporation — Report, 2019-20.

Health and Human Services Department — Report, 2019-20.

Independent Broad-based Anti-corruption Commission — Report, 2019-20 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 102 (*Gazette No. S542, 26 October 2020*).

Jobs, Precincts and Regions Department — Report, 2019-20.

Justice and Community Safety Department — Report, 2019-20.

Library Board of Victoria — Report, 2019-20.

Melbourne Health — Report, 2019-20.

Melbourne Port Lessor Pty Ltd — Report, 2019-20.  
 Melbourne Recital Centre — Report, 2019-20.  
 Melbourne Water Corporation — Report, 2019-20.  
 Monash Health — Report, 2019-20.  
 Museums Board of Victoria — Report, 2019-20.  
 Office of the Victorian Information Commissioner (OVIC) — Report, 2019-20.  
 Ombudsman — Investigation into complaints about assaults of five children living in Child Protection residential care units, October 2020 (*Ordered to be published*).  
 Police Registration and Services Board — Report, 2019-20.  
 Portable Long Service Authority — Report, 2019-20.  
 Port of Hastings Development Authority — Report, 2019-20.  
 Premier and Cabinet Department — Report, 2019-20.  
 Prevention of Family Violence Act 2018 — Respect Victoria Report, 2019-20.  
 Queen Victoria Women's Centre — Minister's report of receipt of 2019-20 report.  
 Racing Integrity Commissioner — Report, 2019-20.  
 Regional Development Victoria — Report, 2019-20.  
 Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — Progress Report, 2019-20, under section 8 of the Act.  
 Road Safety Camera Commissioner — Report, 2019-20.  
 Rolling Stock Holdings (Victoria) Pty Limited — Report, 2019-20.  
 Rolling Stock (Victoria-VL) Pty Limited — Report, 2019-20.  
 Rolling Stock (VL-1) Pty Limited — Report, 2019-20.  
 Rolling Stock (VL-2) Pty Limited — Report, 2019-20.  
 Rolling Stock (VL-3) Pty Limited — Report, 2019-20.  
 Royal Children's Hospital — Report, 2019-20.  
 Shrine of Remembrance Trustees — Report, 2019-20.  
 South East Water Corporation — Report, 2019-20.  
 Transport Accident Commission (TAC) — Report, 2019-20.  
 Transport Department — Report, 2019-20.  
 Treasury and Finance Department — Report, 2019-20.  
 Treasury Corporation of Victoria — Report, 2019-20.  
 Victoria Police — Report, 2019-20.  
 Victorian Arts Centre Trust — Report, 2019-20.  
 Victorian Catchment Management Council — Report, 2019-20.  
 Victorian Commission for Gambling and Liquor Regulation — Report, 2019-20.  
 Victorian Curriculum and Assessment Authority — Report, 2019-20.  
 Victorian Electoral Commission — Report, 2019-20.  
 Victorian Inspectorate — Report, 2019-20.  
 Victorian Managed Insurance Authority — Report, 2019-20.  
 Victorian Multicultural Commission — Report, 2019-20.  
 Victorian Public Sector Commission — Report, 2019-20.  
 Victorian Racing Integrity Board — Report, 2019-20.  
 Victorian Rail Track (VicTrack) — Report, 2019-20.  
 Victorian Regional Channels Authority — Report, 2019-20.  
 Victorian Registration and Qualifications Authority — Report, 2019-20.  
 Victorian Small Business Commission — Report, 2019-20 (*Ordered to be published*).  
 Victorian Veterans Council — Report, 2019-20.  
 Victorian WorkCover Authority (WorkSafe) — Report, 2019-20.  
 Yarra Valley Water Corporation — Report, 2019-20.

- 3 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Watt be a participating member of the Standing Committee on Legal and Social Issues. Question — put and agreed to.
- 4 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That the resolution of Tuesday, 27 October 2020 setting precedence for General Business tomorrow be rescinded and precedence be given to the following General Business on Friday, 30 October 2020 —

- (1) Order of the Day No. 37, resumption of debate on the motion relating to disallowance of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;
- (2) Notice of Motion No. 394 standing in the name of Mr Davis in relation to the production of documents relating to public health and other orders; and
- (3) Notice of Motion No. 399 standing in the name of Mr Davis in relation to the Suburban Rail Loop business case.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.
- 7 CONSUMER LEGISLATION AMENDMENT BILL 2020** — 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 —*

- 8 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.
- MURRAY BASIN RAIL PROJECT BUSINESS CASE** — Ms Symes having given answers to a question without notice and supplementary question relating to the Murray Basin Rail Project Business Case —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Racing industry subsidies** — substantive question asked by Mr Meddick — response from Ms Pulford due Monday, 2 November 2020.
- **Security licence for Transclean** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 2 November 2020.
- **Unsupervised leave of convicted persons** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Monday, 2 November 2020.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 10 CONSUMER LEGISLATION AMENDMENT BILL 2020** — 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, 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.

- 11 WORKER SCREENING BILL 2020** — 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 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned until the next day of meeting.

- 13 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 14 HUMAN TISSUE AMENDMENT BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Human Tissue Act 1982 to establish a process for authorising the carrying out of ante-mortem procedures for the purposes of donating human tissue after death and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 15 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Judicial Proceedings Reports Act 1958 in relation to publication of identification of victims, to amend the Victims of Crime Assistance Act 1996 in relation to delegation of certain powers, to amend the Victims of Crime Commissioner Act 2015 in relation to the Committee under that Act, to amend the Defamation Act 2005 and the Limitation of Actions Act 1958 to include further model provisions, to amend the Corrections Act 1986 in relation to certain detention orders and prisoner mail, to amend the Forests Act 1958 to enable specified persons to carry out specified activities in the Fire Rescue Victoria fire district, to amend the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 in relation to pre-injury average weekly earnings and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Marine Safety Act 2010 to provide for the establishment of the Better Boating Fund and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**17 ADJOURNMENT** — Ms Tierney 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 6.54 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 79 — Friday, 30 October 2020

1 The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

2 **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 —

Darebin Planning Scheme — Amendments C193 and C194.

Frankston Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendments C373 and C399.

Moonee Valley Planning Scheme — Amendment C216.

Surf Coast Planning Scheme — Amendment C125.

A Statutory Rule under the Liquor Control Reform Act 1998 — No. 119.

3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 November 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 9 November 2020, and the President will notify Members of any changes to the next sitting date.

Debate ensued.

Question — put and agreed to.

4 **ENVIRONMENT PROTECTION (MANAGEMENT OF TUNNEL BORING MACHINE SPOIL) REGULATIONS 2020 — DISALLOWANCE** — Debate resumed on the question, That this House, pursuant to section 71(4) of the *Environment Protection Act 1970* and section 23 of the *Subordinate Legislation Act 1994*, disallows, in full, the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 which were gazetted on 30 June 2020 and tabled in this House on 4 August 2020.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 21

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

**5 PRODUCTION OF DOCUMENTS — PUBLIC HEALTH AND OTHER ORDERS** — Mr Davis moved, That this House —

(1) notes —

(a) the resolution of the House of 2 September 2020 requiring the production of briefs relating to the public health and other orders made under the *Public Health and Wellbeing Act 2008* and other Acts;

(b) the resolution of the House of 16 September 2020 requiring the production of documents relating to the decision to impose a COVID-19 curfew;

(2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council —

(a) within one week of the House agreeing to this resolution, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health, relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*, that relate to the decision to allow public attendance at the Cox Plate and subsequent decisions to block attendance;

(b) within two weeks of the House agreeing to this resolution, all other briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all other briefs provided to or signed by the Minister for Health made since 20 August 2020 relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*; and

(c) within 48 hours of an order being made during the period in which the State of Emergency remains in operation, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health relating to the public health and other orders made from the day the House agrees to this resolution under the *Public Health and Wellbeing Act 2008*.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to a temporary Sessional Order agreed to on 27 October 2020, had elapsed —*

Question — put and agreed to.

**6 SUBURBAN RAIL LOOP BUSINESS CASE** — Mr Davis moved, That this House —

(1) notes that —

(a) the Suburban Rail Loop is the most expensive infrastructure project in the State's history;

(b) Infrastructure Victoria has not reported on the risks and cost-benefits of the proposed Suburban Rail Loop; and

(2) considers it prudent that the Andrews Labor Government completes a full, detailed business case for the proposed Suburban Rail Loop and makes this public.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at the conclusion of 2 hours of General Business, pursuant to Sessional Orders —*

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.

**8 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — 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 —*

**9 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:

- **IBAC funding** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Wednesday, 4 November 2020.
- **Drug driving testing** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Wednesday, 4 November 2020.
- **Local Government funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Wednesday, 4 November 2020.
- **Mask wearing policy** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Wednesday, 4 November 2020.
- **IBAC funding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Wednesday, 4 November 2020.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 14 as follows:

- **I Cook Foods closure** — supplementary question asked by Ms Crozier — response from Ms Symes due Monday, 2 November 2020.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

**12 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue (*EOD29C*) were circulated. *Business having been interrupted at 4.00 p.m. pursuant to Sessional Orders* —

**13 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.31 p.m., adjourned until Tuesday, 10 November 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 76, 77, 78 and 79

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### **CLADDING SAFETY VICTORIA BILL 2020**

*Committed Tuesday, 27 October 2020*

**Clauses 1 to 59** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 80, 81 and 82

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#### No. 80 — Tuesday, 10 November 2020

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
  1. **Order of Business today**

The Order of Business today will be —

    - Messages
    - Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 10.00 p.m.** Adjournment (up to 20 Members).
  2. **Order of Business on Wednesday this week**

The Order of Business tomorrow will be —

    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business (up to 6 hours, excluding divisions)
    - At 10.50 a.m.** Sitting suspended to recognise Remembrance Day
    - At 12.30 p.m.** Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - General Business (continues)
    - Statements on reports, papers and petitions (30 minutes)
    - Adjournment (up to 20 Members).
  3. **Sitting of the House on Thursday**

The sitting of the Council, on Thursday, 12 November 2020, to commence at 10.00 a.m.

Question — put and agreed to.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 4 November 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Cladding Safety Victoria Act 2020*

*Consumer Legislation Amendment Act 2020*  
*Education and Training Reform Amendment (Regulation of Student Accommodation)*  
*Act 2020*  
*Worker Screening Act 2020.*

**4 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:

- **Crown Casino license** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Thursday, 12 November 2020.
- **Police tactics for rallies** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 12 November 2020.
- **Melbourne Cup racehorse euthanasia processes** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Thursday, 12 November 2020.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PETITION — KEEP THE BAN ON CAMPING ON LICENSED WATER FRONTAGE** — Mr O'Donohue presented a Petition bearing 3,168 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove clause 49 from the Parks and Crown Land Legislation Amendment Bill 2019 or amend the clause to implement a permit system managed by the Department of Environment, Land, Water and Planning, that limits the number of campers or campsites permitted on the river frontage, requires landholder permission, manages accountability and biosecurity through mandatory registration, prohibits animals and firearms and mitigates the risk to road users and stock when gates are left open allowing stock onto public roads.

Ordered to lie on the Table.

**7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 11 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**COVID-19 HOTEL QUARANTINE INQUIRY — INTERIM REPORT AND RECOMMENDATIONS**

— Pursuant to section 77(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the COVID-19 Hotel Quarantine Inquiry, Interim Report and Recommendations, November 2020.

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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:

Duties Act 2000 — Treasurer's Reports of —

Concessions and exemptions arising out of corporate reconstructions for 2019-20, under section 250B(4) of the Act.

Exemptions arising out of corporate consolidations for 2019-20, under section 250DD(5) of the Act.

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster — Coronavirus (COVID-19) pandemic — Report 4, pursuant to section 23(7) of the Act.

Inquiries Act 2014 — Report of the Royal Commission into National Natural Disaster Arrangements, pursuant to section 37(1)(a) of the Act.



Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 2019-20, under sections 3B and 3BA of the Act.

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order 2021.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C174.

Greater Shepparton Planning Scheme — Amendment C215.

Melbourne Planning Scheme — Amendment C377.

Victoria Planning Provisions — Amendment VC191.

Whittlesea Planning Scheme — Amendment C230.

Statutory Rules under the following Acts of Parliament —

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 120.

Road Safety Act 1986 — No. 121.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 93, 99, 106, 111 and 118 to 120.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

National Energy Legislation Amendment Act 2020 — Whole Act (except Part 3 and Division 2 of Part 4) — 27 October 2020 (*Gazette No. S546, 27 October 2020*).

**8 PRODUCTION OF DOCUMENTS — PUBLIC HEALTH AND OTHER ORDERS** — The Clerk laid on the Table a letter from the Attorney-General, dated 6 November 2020, in response to the Resolution of the Council of 30 October 2020, relating to public health and other orders, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**9 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE** — The Clerk laid on the Table one document in full and one document in part and a letter from the Attorney-General, dated 9 November 2020, in response to the Resolution of the Council of 4 March 2020 relating to the Melbourne Airport Rail Link Strategic Business Case, advising that three documents had been identified and a claim of executive privilege was made over one document in full and one document in part.

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 November 2020 —

- (1) the notice of motion given this day by Mr Davis in relation to the Chinese Government's block on Victorian exports;
- (2) Order of the Day No. 24, resumption of debate on the motion relating to establishing a joint select committee inquiry to inquire into international treaties;
- (3) the notice of motion given this day by Dr Bach in relation to the impact of school closures;
- (4) Notice of Motion No. 408 standing in the name of Dr Ratnam relating to a Green New Deal for Victoria;
- (5) the notice of motion given this day by Mr Bourman in relation to native timber;
- (6) Notice of Motion No. 367 standing in the name of Mr Grimley relating to the underreporting of sexual assault cases; and
- (7) Notice of Motion No. 417 standing in the name of Mr Grimley referring a matter to the Procedure Committee relating to photography in the Chamber.

Question — put and agreed to.

**11 LEGAL AND SOCIAL ISSUES COMMITTEE — TABLING OUT OF SESSION — INQUIRY INTO THE VICTORIAN GOVERNMENT'S COVID-19 CONTACT TRACING SYSTEM AND TESTING REGIME** — Ms Patten moved, by leave, That if the Legal and Social Issues Committee proposes to transmit a report for the Inquiry into the Victorian Government's COVID-19 contact tracing system and testing regime to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —

- (1) the Clerk must —
  - (a) as soon as practicable after the report is received —

- (i) give a copy of the report to each member of the House;
- (ii) cause the report to be published on the Tabled Documents Database and the Committee's website;

(b) cause the report to be tabled in the House on the next sitting day of the House; and  
 (2) the report will be taken to be published by authority of the House.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.

**14 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue (*EOD34C and EOD35C*), Dr Ratnam (*SR43C*) and Ms Tierney (*GT02C-1*) were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

NOES, 17

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

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.

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.

**15 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Question — put and agreed to.

Bill read a second time 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 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 9.24 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 81 — Wednesday, 11 November 2020**

**1** The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 7 October 2020 giving approval to the granting of a licence at Knox Community Gardens Reserve.

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extensions of the Declaration of a State of Emergency, pursuant to section 198(8A) of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 121.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**4 CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS** — Mr Davis moved, That this House —

(1) notes —

(a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;

(b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;

(c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;

(d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;

(2) calls on the Andrews Labor Government to —

(a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and

(b) rebuke the Chinese Communist Government over its deliberate and damaging actions.

Debate ensued.

*Business having been interrupted at 10.50 a.m. pursuant to an Order of the Council of 10 November 2020 —*

*[Sitting suspended from 10.50 a.m. to 12.30 p.m.]*

**5 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**IMPACT OF MASK WEARING REGULATIONS ON WODONGA SMALL BUSINESSES** —

Ms Pulford having given answers to a question without notice and supplementary question relating to the impact of mask wearing regulations on Wodonga small businesses —

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 continued.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Hume and Wyndham Councils – COVID-19 testing resources** — substantive and supplementary questions asked by Ms Crozier — response from Mr Leane due Thursday, 12 November 2020.
- **Children in out-of-home care** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Friday, 13 November 2020.
- **Bushfire fuel loads** — substantive and supplementary questions asked by Mr Quilty — response from Mr Leane due Friday, 13 November 2020.
- **Veterans' transitional service hub** — substantive and supplementary questions asked by Dr Cumming — response from Mr Leane due Thursday, 12 November 2020.
- **Protection for gig economy workers** — substantive question asked by Mr Barton — response from Ms Symes due Friday, 13 November 2020.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**7 CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS** — Debate continued on the question, That this House —

(1) notes —

- (a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;
- (b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;
- (c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;
- (d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;

(2) calls on the Andrews Labor Government to —

- (a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and
- (b) rebuke the Chinese Communist Government over its deliberate and damaging actions.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1, and Notice of Motion, General Business, No. 424, be postponed until later this day.

**9 GREEN NEW DEAL FOR VICTORIA** — Dr Ratnam moved, That this House —

- (1) supports a Green New Deal for Victoria;
- (2) notes that 2020 has been an extremely difficult year for Victorians, starting with horrendous bushfires and followed by the COVID-19 pandemic;
- (3) further notes that increasing unemployment due to the COVID-19 pandemic, as well as climate change and rising economic inequality, are key challenges facing Victoria into the future;
- (4) acknowledges that the upcoming State Budget must provide for a plan to build Victoria back better, with significant investment from the Government to create jobs and build a caring society and clean economy;
- (5) calls on the Government to create tens of thousands of good quality new jobs through investing in —
  - (a) publicly-owned renewable energy and storage projects to address climate change and transitioning Victoria away from fossil fuels;
  - (b) a big build of new public housing to help end homelessness;
  - (c) employing more educators, healthcare workers, nurses, and social support workers so all Victorians can get the care they need;
  - (d) restoring our precious natural environment by regenerating bushfire-affected areas, protecting threatened species, and planting trees and native vegetation;
  - (e) walking, bike riding and public transport to cut traffic and reduce emissions;
  - (f) reviving our main shopping streets to support jobs in retail, hospitality and services; and
  - (g) a recycling revolution to reduce waste and protect our waterways and wildlife.

Debate ensued.

Mr Finn moved, as amendments —

1. **Omit** paragraph (1).
4. In paragraph (5)(g) **omit** “wildlife.” and **insert** the following in its place:  
     “wildlife; and  
     (h) significant infrastructure projects, including transport infrastructure, particularly projects that are shovel-ready with completed and available business cases, that can generate jobs quickly.”.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — That amendment No. 1 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That amendment No. 4 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

## AYES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 15

Dr Bach; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**10 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENT** — Debate resumed on the question, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
  - (a) whether the two agreements between the People's Republic of China and the Victorian Government, also known as the 'Belt and Road Initiative', are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
  - (b) the details and background of the proposed further agreement linked to the 'Belt and Road Initiative' and whether these are in the public interest of all Victorians;
  - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia's foreign affairs and trade;
  - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government may seek to sign and report to the Parliament in a timely way to keep the Parliament of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;
- (2) the Committee shall consist of —
  - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
  - (b) four Council Members, comprising two Members from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;

- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
- (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**11 NATIVE TIMBER** — Mr Bourman moved, That this House notes that —

- (1) the Government has committed to ending the native timber industry by 2030, with the apparent aim being to have it replaced by plantation timber at that time;
- (2) it will take in excess of 50 years, probably closer to 80 years for plantation timber to reach the same quality as current native timber harvesting;
- (3) given the devastating economic effects of the COVID-19 pandemic, jobs are critical, particularly in regional areas;

and calls on the Government to abandon ending the native timber industry and instead nurture what is one of the most highly regulated timber industries in the world which produces timber of unparalleled quality.

Debate ensued.

On the motion of Mr Barton, the debate was adjourned until the next day of meeting.

**12 UNDERREPORTING OF SEXUAL ASSAULT CASES** — Mr Grimley moved, That this House —

- (1) notes that —
  - (a) the 2016 *Personal Safety Survey* recorded that only one in ten women who had experienced a form of sexual assault by a male contacted the police to report the offending;
  - (b) the experiences of victims and survivors are not often considered when proposing reforms to Victoria's legal system;
  - (c) the underreporting of sexual offending and sexual assault cases is not the result of any individual cause;
  - (d) some victims withdraw sexual abuse charges due to the lack of support or belief in the reporting process and feeling pressure from the offender or family in the process;
  - (e) as the gatekeepers to the pursuit of legal action in a sexual assault, training of Sexual Offences and Child Abuse Investigation Team officers, which considers the complex relationships and trauma experienced by the victim, is fundamental to providing positive outcomes for victims, therefore combatting rates of attrition and non-reporting;
  - (f) it is impossible to determine responses to underreporting without the centralised recording of reasons for the withdrawal of sexual assault cases;
- (2) calls on the Andrews Government to —

- (a) create a centralised and publicly available database of victim's experiences and complaints when pursuing sexual offending charges; and
- (b) undertake authoritative investigation into the specific causes of low rates of reporting and high rates of attrition at each stage of progress through the legal system and consequent reform recommendations.

Debate ensued.

Mr O'Donohue moved, as an amendment, That paragraph (2)(a) be **omitted** with a view of **inserting** the following in its place:

“(a) task the Victorian Crime Statistics Agency with providing further publicly available information, based on the COVID-19 Family Violence Data Portal, on sexual assault offending throughout Victoria, including details of underreporting, investigation outcomes, support agency engagement and options for victim reports; and”.

Debate ensued.

*The President advised that the total time allocated for debate, pursuant to an Order of the Council of 10 November 2020, had elapsed —*

Ordered, by leave, that time allocated for General Business be extended to conclude the debate.

Debate continued.

Question — That the amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**13 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020** — 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.

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.



- 15 ADJOURNMENT** — The President proposed the question, 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 8.29 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 82 — Thursday, 12 November 2020

- 1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — The President read a letter from Mr Bourman resigning from the Standing Committee on the Environment and Planning, effective from 11 November 2020.  
Ms Symes moved, by leave, That Mr Grimley be a member of the Standing Committee on the Environment and Planning.  
Question — put and agreed to.
- 3 **PETITION — FUNDING FOR NORTHCOTE HIGH SCHOOL'S MASTER PLAN** — Ms Watt presented a Petition bearing 1,924 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently fund Stages one and two of Northcote High School's Master Plan to significantly alleviate limited space and congestion issues at a cost of \$25 million, to not only benefit the school, but the wider community who extensively make use of the current facilities.  
Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Agricultural Industry Development Act 1990 — Murray Valley Wine Grape Industry Development (ExtraTerritorial) Order 2020, under section 8(3) of the Act (*Gazette No. G44, 5 November 2020*).
  - Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31, by the Australian Criminal Intelligence Commission.
  - Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 9 November 2020 (*Ordered to be published*).
  - Statutory Rules under the following Acts of Parliament —
    - Commercial Passenger Vehicle Industry Act 2017 — No. 122.
    - Road Safety Act 1986 — No. 123.
    - Surveillance Devices Act 1999 — Reports, 2019-20, under section 30L, by the —
      - Game Management Authority.
      - Victorian Fisheries Authority.
    - Terrorism (Community Protection) Act 2003 — Report, 2019-20 by Victoria Police, under section 37F.
- 5 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 24 November 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 23 November 2020, and the President will notify Members of any changes to the next sitting date.  
Question — put and agreed to.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.

**8 PARKS AND CROWN LAND 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 Mr Bourman (*JB16C*), Mr Davis (*DD28C*) and Mr Leane (*SL01C*) were circulated.

Mr Davis moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, within six months, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House with recommendations, including the potential impacts of altering the arrangements for camping on Crown land water frontages and licensed water frontages, and the Committee should consider —

- (1) the impact on the natural environment;
- (2) fire risk/management and other safety hazards;
- (3) the impact on native flora and fauna;
- (4) the impact on native wildlife;
- (5) the impact on biodiversity, biosecurity and water quality;
- (6) the impact on water frontage licensees and local communities;
- (7) the impact of recreational activities, including benefits and disadvantages;
- (8) the impact of pollution and contamination of water and land from waste;
- (9) potential regulatory models or options if camping were to occur;
- (10) particular water frontages that should be excluded from camping;
- (11) amendments proposed to the Bill by the Government; and
- (12) any other related matters.”.

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.

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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:

- **Land rezoning taxes** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 16 November 2020.
- **Meetings with property developers** — supplementary question asked by Mr Davis — response from Ms Pulford due Friday, 13 November 2020.
- **Hotel quarantine interim report** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Symes due Monday, 16 November 2020.
- **Local government tobacco control** — substantive and supplementary questions asked by Ms Maxwell — response from Mr Leane due Friday, 13 November 2020.
- **Game duck aerial survey** — supplementary question asked by Mr Bourman — response from Ms Symes due Friday, 13 November 2020.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Davis*, That all the words after “That” be omitted and replaced with the words “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, within six months, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House with recommendations, including the potential impacts of altering the arrangements for camping on Crown land water frontages and licensed water frontages, and the Committee should consider —

- (1) the impact on the natural environment;
- (2) fire risk/management and other safety hazards;

- (3) the impact on native flora and fauna;
- (4) the impact on native wildlife;
- (5) the impact on biodiversity, biosecurity and water quality;
- (6) the impact on water frontage licensees and local communities;
- (7) the impact of recreational activities, including benefits and disadvantages;
- (8) the impact of pollution and contamination of water and land from waste;
- (9) potential regulatory models or options if camping were to occur;
- (10) particular water frontages that should be excluded from camping;
- (11) amendments proposed to the Bill by the Government; and
- (12) any other related matters.”.

Dr Ratnam moved, as an amendment to the reasoned amendment moved by Mr Davis, That all the words and expressions after “this Bill” be omitted and the following inserted in their place:

“be refused to be read a second time until the Government has —

- (1) undertaken comprehensive consultation with land owners, local communities, Landcare groups and other Victorians potentially impacted by the proposal to enable camping on Crown land river frontages;
- (2) drafted and consulted a set of regulations outlining —
  - (a) areas that are included and excluded from camping;
  - (b) how camping will be regulated;
  - (c) the risks to biodiversity, biosecurity, water quality, fire and safety; and
  - (d) other relevant matters identified during consultation.”.

Debate ensued.

Question — That the amendment moved by Dr Ratnam to the reasoned amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Hayes; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O’Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the reasoned amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments.

Mr Leane moved, That the Report be now adopted

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 1

Dr Cumming.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Mr Leane 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, 33

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Dr Cumming; Mr Hayes.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**12 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Ondarchie (CO01C) were circulated.

Question — put and 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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

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 FOOD AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Food Act 1984 and the Public Health and Wellbeing Act 2008 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 14 ENERGY LEGISLATION AMENDMENT (LICENCE CONDITIONS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable the Minister to impose conditions on licences issued under those Acts and to make consequential amendments to the National Electricity (Victoria) Act 2005 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 15 TRANSPORT LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Towing Services Act 2007, the Heavy Vehicle National Law Application Act 2013, the Rail Management Act 1996, the Road Management Act 2004, the Road Safety Act 1986, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010 and the Transport Legislation Amendment Act 2019 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 16 CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the Residential Tenancies Act 1997, the Residential Tenancies Amendment Act 2018, the Rooming House Operators Act 2016, the Victorian Civil and Administrative Tribunal Act 1998 to make statute law revision amendments to consumer Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie, the debate was adjourned for one week.

**17 ADJOURNMENT** — Ms Stitt 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 8.17 p.m., adjourned until Tuesday, 24 November 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 80, 81 and 82

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### JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020

*Committed Tuesday, 10 November 2020*

*Amendments circulated: Mr O'Donohue (EOD34C and EOD35C) (p. 608), Dr Ratnam (SR43C) (p. 608) and Ms Tierney (GT02C-1 and GT02C-2) (pp. 608-9)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved Amendment No. 1 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Mr O'Donohue moved Amendment No. 2 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr O'Donohue moved Amendment No. 3 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 3, as amended — put and agreed to.

**Clause 4** — Ms Tierney moved that clause 4 be postponed — put and agreed to.

**Clauses 5 to 50** — put and agreed to.

**Clause 51** — Mr O'Donohue moved Amendment No. 1 (*EOD35C*) — put and agreed to.

**Clauses 52 to 55** — put and agreed to.

Ms Tierney circulated Amendments (*GT02C-2*) to replace her previously circulated Amendments (*GT02C-1*).

**Postponed Clause 4** — Ms Tierney moved Amendment Nos. 1 to 3 (*GT02C-2*) — put and agreed to.

Clause 4, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS)  
AMENDMENT BILL 2020**

*Committed Tuesday, 10 November 2020*

**Clauses 1 to 55** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019**

*Committed Thursday, 12 November 2020*

*Amendments circulated: Mr Bourman (JB16C) (p. 609), Mr Davis (DD28C and DD51C) (pp. 609-10) and Mr Leane (SL01C) (pp. 610-11)*

Mr Davis circulated Amendments (*DD51C*) to replace his previously circulated Amendments (*DD28C*).

**Clause 1** — Mr Leane moved Amendment No. 1 (*SL01C*) — put and agreed to.

Clause 1, as amended — put and agreed to.



**Clause 2** — Mr Leane moved Amendment No. 2 (SL01C) — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 35** — put and agreed to.

**New Clause** — Mr Leane moved Amendment No. 3 (SL01C).

Question — That the New Clause stand part of the Bill — put and agreed to.

**Clause 36** — Mr Leane moved Amendment No. 4 (SL01C) — put and agreed to.

Clause 36, as amended — put and agreed to.

**Clauses 37 to 48** — put and agreed to.

**Clause 49** — Mr Davis moved Amendment Nos. 1 to 3 (DD51C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Melhem; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Bourman moved Amendment No. 1 (JB16C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Melhem; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Clause 49, as amended — put and agreed to.

**Clauses 50 and 51** — put and agreed to.

**Clause 52** — Mr Leane moved Amendment Nos. 5 to 7 (SL01C) — put and agreed to.

Mr Leane moved Amendment No. 8 (SL01C) — put and agreed to.

Clause 52, as amended — put and agreed to.

**Clauses 53 to 116** — put and agreed to.

**Clause 117** — Mr Leane moved Amendment No. 9 (*SL01C*) — put and agreed to.  
 Clause 117, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020**

*Committed Thursday, 12 November 2020*

*Amendments circulated: Mr Bourman (JB15C) (p. 611) and Mr Ondarchie (CO01C) (p. 612)*

Amendments proposed to be moved in Committee by Mr Bourman (*JB15C*) were circulated.

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Bourman moved Amendment Nos. 1 and 2 (*JB15C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Ondarchie moved Amendment No. 1 (*CO01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Bourman moved Amendment No. 3 (*JB15C*) — put and agreed to.

Mr Ondarchie moved Amendment No. 4 (*CO01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Bourman moved Amendment No. 4 (*JB15C*) — put and agreed to.

Mr Ondarchie moved Amendment Nos. 5 and 6 (*JB15C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 6** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020***Amendments circulated by Mr O'Donohue (EOD34C)*

1. Clause 3, page 5, lines 16 to 26, omit all words and expressions on these lines and insert—
  - '(b) for "whether or not a proceeding in respect of the alleged offence is pending in a court" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined".'
2. Clause 3, page 5, lines 29 to 31, omit all words and expressions on these lines and insert—
 

"(1B) Subsection (1A) does not apply if either or both of the following is the case—

  - (a) no complaint about the alleged offence had been made to a police officer;
  - (b) the person against whom the sexual offence was committed, or was alleged to have been committed, is deceased."
3. Clause 3, page 8, lines 15 to 35 and page 9, lines 1 and 2, omit all words and expressions on these lines and insert—
  - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
  - (b) that it is in the public interest to make the order."

*Amendments circulated by Mr O'Donohue (EOD35C)*

1. Clause 51, page 47, after line 15 insert—
 

"(3A) The Secretary must publish an agreement or arrangement entered into under subsection (2) on the Department's website."

*Amendments circulated by Dr Ratnam (SR43C)*

1. Clause 3, page 5, lines 16 to 26, omit all words and expressions on these lines and insert—
  - '(b) for "whether or not a proceeding in respect of the alleged offence is pending in a court" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined".'

*Amendments circulated by Ms Tierney (GT02C-1)*

1. Clause 4, line 3, after "**4A**" insert "**and section 4B**".
2. Clause 4, line 24, omit 'publication.'" and insert "publication."
3. Clause 4, after line 24 insert—

**'4B Repeal of certain provisions on 1 September 2021**

On 1 September 2021—

- (a) in section 4(1A) of the **Judicial Proceedings Reports Act 1958**—
  - (i) for "whether or not—" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined.";

- (ii) paragraphs (a) and (b) are **repealed**; and
- (b) for section 4(1BF)(a) and (b) of the **Judicial Proceedings Reports Act 1958** **substitute**—
  - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
  - (b) that it is in the public interest to make the order."; and
- (c) in section 4(1BG)(b)(i) of the **Judicial Proceedings Reports Act 1958** for "a living" **substitute** "an".".

Amendments circulated by Ms Tierney (GT02C-2)

1. Clause 4, line 3, after "4A" insert "**and section 4B**".
2. Clause 4, line 24, omit 'publication.'" and insert "publication."
3. Clause 4, after line 24 insert—

**'4B Repeal of certain provisions on 1 September 2021**

On 1 September 2021—

- (a) for section 4(1BF)(a) and (b) of the **Judicial Proceedings Reports Act 1958** **substitute**—
  - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
  - (b) that it is in the public interest to make the order."; and
- (b) in section 4(1BG)(b)(i) of the **Judicial Proceedings Reports Act 1958** for "a living" **substitute** "an".".

**2. PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019**

Amendments circulated by Mr Bourman (JB16C)

1. Clause 49, line 28, omit "purposes." and insert—
  - "purposes.

**Note**

Licensed water frontage land does not include certain Crown land, including leased Crown land, or freehold land.".

Amendments circulated by Mr Davis (DD28C)

1. Insert the following New Clause to follow clause 49—
  - '49A New section 401B inserted**

After section 401A of the **Land Act 1958** insert—

**"401B Permission of licensee required to camp on licensed water frontage**

A person must not camp on a licensed water frontage unless the person has obtained permission from the licensee.

Penalty: 10 penalty units.".

Amendments circulated by Mr Davis (DD51C)

1. Clause 49, line 25, before "Subject" insert "(1)".
2. Clause 49, line 28, omit "purposes." and insert "purposes."
3. Clause 49, after line 28 insert—
  - '(2) Despite subsection (1), a person must not camp on a licensed water frontage unless the person has obtained permission from the licensee.

Penalty: 10 penalty units."

Amendments circulated by Mr Leane (SL01C)

1. Clause 1, page 2, lines 14 to 16, omit "in respect of licensed and unlicensed water frontages" and insert "for recreational uses of certain land abutting watercourses".
2. Clause 2, line 16, omit "December 2020" and insert "September 2021".
3. Insert the following New Clause to follow clause 35—

**'35A Definitions**

In section 2A of the **Land Act 1958**—

- (a) **insert** the following definitions—

**"licensed water frontage** means water frontage which is under a licence under Division 8 of Part I or section 138;

**municipal council** has the same meaning as **Council** has in the **Local Government Act 2020**;

**Parks Victoria** has the same meaning as in the **Parks Victoria Act 2018**;

**regulated watercourse land** means Crown land within 200 metres of the bank of a watercourse within the meaning of Part XII which is not any one or more of the following—

- (a) under a lease or a residence area right;
- (b) vested in trustees or in a municipal council;
- (c) placed under the control of a public authority other than the Secretary or Parks Victoria;
- (d) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**;

**water frontage** means Crown land (including land temporarily or permanently reserved)—

- (a) which has a frontage to the sea or a watercourse within the meaning of Part XII; and
- (b) which is not under a lease, licence or residence area right; and
- (c) which is not reserved as a water reserve along any public road under the **Crown Land (Reserves) Act 1978**; and
- (d) which is not—
  - (i) vested in trustees or in a municipal council; or
  - (ii) placed under the control of a public authority other than Parks Victoria; or
  - (iii) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**."

(b) in the definition of **Traditional Owner Land Management Board**, for "1987." substitute "1987;".

4. Clause 36, lines 5 to 10, omit all words and expressions on these lines and insert—

'In section 3(1) of the **Land Act 1958**—

  - (a) the definitions of **fence**, **Parks Victoria** and **water frontage** are **repealed**;
  - (b) in the definition of **unused road**, for "400(1);" substitute "400(1).".
5. Clause 52, lines 14 and 15, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
6. Clause 52, lines 18 and 19, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
7. Clause 52, lines 23 and 24, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
8. Clause 52, after line 28 insert—

'(3) After section 413(4) of the **Land Act 1958** insert—

"(5) Regulations made under this Act may—

  - (a) leave any matter or thing to be decided by a specified person or class of person; and
  - (b) provide for the exemption of persons or a class of persons from any of the regulations.". .
9. Clause 117, line 3, omit "December 2021" and insert "September 2022".

### 3. MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020

#### Amendments circulated by Mr Bourman (JB15C)

1. Clause 3, after line 22 insert—

"(ab) all money received in relation to recreational vessels or use of recreational vessels under this Act; and".
2. Clause 3, lines 25 and 26, omit "this Act or any other Act" and insert "any Act other than this Act".
3. Clause 3, page 4, lines 11 to 13, omit all words and expressions on these lines and insert—

"(c) the purposes and allocation of any money paid out of the Better Boating Fund, including—

  - (i) a description of the project or program to which the money has been allocated; and
  - (ii) if the allocation of money relates to the establishment, upgrade, maintenance or repair of a boating facility, the location of the boating facility;".
4. Clause 3, page 5, after line 6 insert—

"(3A) The report published under subsection (3) must remain on the internet site administered by the Department until the report for the next financial year is published under that subsection.". .

Amendments circulated by Mr Ondarchie (CO01C)

1. Clause 3, page 4, line 8, after "Fund" insert "and the sources of all that money".
2. Clause 3, page 4, lines 11 to 13, omit all words and expressions on these lines and insert—
  - "(c) the purposes and allocation of any money paid out of the Better Boating Fund, including any amount allocated and expended for—
    - (i) the provision of boating facilities (by project); and
    - (ii) the maintenance of boating facilities; and
    - (iii) the provision of boating services to the public; and
    - (iv) the conduct of boating safety programs for the public that relate to the safe use of recreational vessels or the safe use of State waters; and
    - (v) the conduct of boating safety programs for the public relating to matters to which subparagraph (iv) does not apply; and
    - (vi) the conduct of boating education programs for the public; and
    - (vii) the conduct of boating promotion programs for the public; and
    - (viii) the purpose of covering the costs and expenses incurred in administering this Part and in monitoring and reporting on the financial operations and financial position of the Better Boating Fund; and
    - (ix) any other purpose (which must be specified);".
3. Clause 3, page 4, line 17, after "received" insert "and paid into the Better Boating Fund".
4. Clause 3, page 4, after line 32 insert—
  - "(2A) On or before the 7th sitting day after the Minister receives the report under subsection (1), the Minister must ensure that a copy of the report is laid before each House of the Parliament."
5. Clause 3, page 5, line 10, omit '**1994**.'" and insert "**1994**".
6. Clause 3, page 5, after line 10 insert—

**'271I Payment of registration fees into the Better Boating Fund**

Fees received under this Act in relation to the registration, renewal and transfer of registration of recreational vessels must be paid into the Better Boating Fund.

**271J Payment of licence fees into the Better Boating Fund**

Fees received under this Act in relation to the grant, renewal and endorsement of marine licences must be paid into the Better Boating Fund.".'.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 83, 84 and 85

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#### No. 83 — Tuesday, 24 November 2020

- 1 The President took the Chair at 11.06 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
  1. **Order of Business today**

The Order of Business today will be —

    - Messages
    - Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 10.00 p.m.** Adjournment (up to 20 Members).
  2. **Sitting of the House on Thursday**

The sitting of the Council, on Thursday, 26 November 2020, to commence at 10.00 a.m.

Question — put and agreed to.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 17 November 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Justice Legislation Amendment (Supporting Victims and Other Matters) Act 2020*
  - Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Act 2020.*
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**SEASONAL AGRICULTURAL WORKER SHORTAGES** — Ms Symes having given answers to a question without notice and supplementary question relating to seasonal agricultural worker shortages —

On the motion of Ms Bath, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice 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:

- **National redress scheme – Jehovah’s Witnesses** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 26 November 2020.
- **Food delivery companies – worker safety** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 26 November 2020.
- **Pakenham Livestock Exchange closure** — substantive question asked by Mr O’Donohue — response from Ms Symes due Wednesday, 25 November 2020.
- **QR code data privacy** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Thursday, 26 November 2020.
- **Volunteer firefighter numbers** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 26 November 2020.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PETITIONS** —

**ROADMAP AND COVID-SAFE PLAN FOR THE WEDDING INDUSTRY** — Mr Finn presented a Petition bearing 571 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently outline a roadmap for re-opening the wedding industry, including the implementation of a COVID-safe plan to allow small family run businesses to return to operation and generate revenue.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**DEACTIVATION OF RADIOFREQUENCY COMMUNICATIONS ON SMART METERS** —

Mr Hayes presented a Petition bearing 377 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Energy, Environment and Climate Change, the Honourable Lily D’Ambrosio, and the Department of Environment, Land, Water and Planning to give Victorians the right to have radiofrequency communications deactivated on an installed smart meter, particularly people with health issues who have obtained a medical certificate requesting this accommodation.

Ordered to lie on the Table.

\* \* \* \* \*

**SAVE THE HOPKINS RIVER** — Mr Meddick presented a Petition bearing 664 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Resources, the Honourable Jaclyn Symes, and the Minister for Planning, the Honourable Richard Wynne, to recognise the threats and dangers posed should the bluestone quarry at Panmure proceed, and request that the Ministers intervene and use their ministerial powers to ensure that the Earth Resources Regulation does not issue a work authority for the quarry, irrespective of the outcome of a planning permit application lodged with Moyne Shire Council.

Ordered to lie on the Table.

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**ACCOMMODATION FOR THE ELDERLY, DISABLED AND TERMINALLY ILL** — Ms Patten presented a Petition bearing 129 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with the Victorian Planning Authority and Australian architects to procure older and cheaper properties in Victoria that are in close proximity to hospitals and medical care facilities to convert into high rise flats for the elderly, terminally ill and disabled as a prototype for the future.

Ordered to lie on the Table.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 12 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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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:

Australian Criminal Intelligence Commission — Board of the Australian Criminal Intelligence Commission — Report, 2018-19.

Inquiries Act 2014 — Interim Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, pursuant to section 37(1)(a) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C226.

Boroondara Planning Scheme — Amendment C347.

Cardinia Planning Scheme — Amendment C250.

Colac Otway Planning Scheme — Amendment C101.

Darebin Planning Scheme — Amendment C167.

Frankston Planning Scheme — Amendment C130.

Glenelg Planning Scheme — Amendment C97.

Greater Bendigo Planning Scheme — Amendment C262.

Greater Dandenong Planning Scheme — Amendments C217 and C222.

Hepburn Planning Scheme — Amendment C83.

Knox Planning Scheme — Amendment C187.

Maribyrnong Planning Scheme — Amendment C170.

Maroondah Planning Scheme — Amendment C116.

Melton Planning Scheme — Amendments C222 and C223.

Mitchell and Whittlesea Planning Schemes — Amendments GC102 and GC156.

Monash Planning Scheme — Amendment C162.

Moorabool Planning Scheme — Amendment C95.

Moreland Planning Scheme — Amendment C213.

Stonnington Planning Scheme — Amendments C285 and C308.

Victoria Planning Provisions — Amendment VC192.

Whittlesea Planning Scheme — Amendment C236.

Wyndham Planning Scheme — Amendment C228.

Yarra Planning Scheme — Amendment C279.

Yarra Ranges Planning Scheme — Amendment C159.

Yarriambiack Planning Scheme — Amendment C27.

Statutory Rules under the following Acts of Parliament —

Alpine Resorts (Management) Act 1997 — No. 128.

Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — Family Violence Protection Act 2008 — Personal Safety Intervention Orders Act 2010 — No. 127.

Children, Youth and Families Act 2005 — Family Violence Protection Act 2008 — Personal Safety Interventions Orders Act 2010 — No. 126.

Magistrates' Court Act 1989 — No. 124.

Tobacco Act 1987 — No. 129.

Victorian Civil and Administrative Tribunal Act 1998 — No. 125.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 122 to 129.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Professional Engineers Registration Act 2019 — Part 1, Part 3, Sections 103, 104 and 105, and Division 2 of Part 8 — 10 November 2020 (*Gazette No. S575, 10 November 2020*).

- 8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 25 November 2020 —
- (1) the notice of motion given this day by Mr Rich-Phillips in relation to COVID-19 impacts;
  - (2) the notice of motion given this day by Mr Davis in relation to the Government's new employment levy;
  - (3) the notice of motion given this day by Mr Davis in relation to the Suburban Rail Loop;
  - (4) the notice of motion given this day by Mr Barton in relation to taxi compensation; and
  - (5) Notice of Motion No. 424 standing in the name of Dr Bach relating to the impact of school closures.

Question — put and agreed to.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409 and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 11 FOOD AMENDMENT BILL 2020** — 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 BUDGET PAPERS, 2020-21** — Pursuant to section 27E of the *Financial Management Act 1994*, Ms Symes laid on the Table a copy of the 2020-21 —
- (1) Budget Paper No. 2 – Strategy and Outlook;
  - (2) Budget Paper No. 3 – Service Delivery; and
  - (3) Budget Paper No. 4 – Statement of Finances (incorporating Quarterly Financial Report No. 1).

Ms Symes moved, by leave, That there be laid before this House a copy of the 2020-21 —

- (1) Budget Paper No. 1 – Treasurer's Speech;
- (2) Budget Overview;
- (3) Jobs Plan;
- (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 Ms Symes and ordered to lie on the Table.

On the motion of Ms Symes, the Budget Papers, 2020-21 were ordered to be taken into consideration on the next day of meeting.

- 13 ENERGY LEGISLATION AMENDMENT (LICENSE CONDITIONS) BILL 2020** — 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 (*GRP18C and GRP20C*) were circulated.

Question — put.

The Council divided — The President in the Chair.

## AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 13

Dr Bach; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Mr Leane 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, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 13

Dr Bach; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.47 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 84 — Wednesday, 25 November 2020

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **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 —
    - Accessing Emergency Funding to Meet Urgent Claims, November 2020 (*Ordered to be published*).
    - the Annual Financial Report of the State of Victoria: 2019-20, November 2020 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of an Order in Council of 10 November 2020 revising animal welfare codes of practice under the Prevention of Cruelty to Animals Act 1986.

Victorian Budget Update — 2020-21.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 4 PARKS AND CROWN LAND 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.
- 5 ECONOMIC IMPACTS OF COVID-19** — Mr Rich-Phillips moved, That this House —
- (1) notes the impact of the COVID-19 crisis, in particular the harsh lockdown, has unevenly impacted certain groups and industries, specifically —
    - (a) ABS figures show the number of unemployed Victorian women is now the highest on record at 146,500 or 8.8 per cent;
    - (b) the underemployment rate for Victoria is now 13 per cent, the highest in the country, and combined with the unemployment rate, a total of 20.4 per cent, with one in five Victorians either looking for work or more work;
    - (c) over the past 12 months Victoria recorded the largest drop in job advertisements of any state, with Geelong and the Surf Coast down 27.9 per cent, Gippsland down 16.9 per cent, and Ballarat and Central Highlands down 13.3 per cent and that, together with Melbourne, these regions have recorded four of the five largest reductions in Australia;
    - (d) ABS payroll jobs and total wages data shows, since the pandemic began, payroll jobs in small businesses that employ under 20 people have fallen by 9.4 per cent and in businesses that employ between 20 and 199 people by 9.3 per cent;
    - (e) the travel and tourism, hospitality and events, fitness, creative industry and retail sectors have borne the brunt of the burden;
  - (2) accepts that Victoria has not provided commensurate targeted assistance that recognises the more severe impacts;
  - (3) notes that many businesses will be lost in the absence of appropriate additional support; and
  - (4) believes it would be prudent for the Government to take further targeted steps to remedy these inequities.

Debate ensued.

*The 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, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 6 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020** — 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.

- 7 NEW EMPLOYMENT LEVY** — Mr Finn (for Mr Davis) moved, That this House recognises that Victorian small businesses have done it very tough through the COVID-19 pandemic and that now is the wrong time to foist a new tax onto the small business sector already struggling to recover from the lockdown.

Debate ensued.

*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.

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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:

- **Box Hill TAFE aviation courses** — substantive question asked by Mr Rich-Phillips — response from Ms Tierney due Thursday, 26 November 2020.
- **Alcohol and drug related offender recidivism** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 27 November 2020.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 NEW EMPLOYMENT LEVY** — Debate continued on the question, That this House recognises that Victorian small businesses have done it very tough through the COVID-19 pandemic and that now is the wrong time to foist a new tax onto the small business sector already struggling to recover from the lockdown.

*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, 13

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 435, be postponed until later this day.

- 12 TAXI AND HIRE CAR LICENCES** — Mr Barton moved, That this House —

(1) acknowledges that —

- (a) in 1998, the High Court of Australia determined that a taxi licence was a valuable item of property;
- (b) since the commencement of the *Commercial Passenger Vehicle Industry Act 2017*, the revocation of perpetual Victorian taxi and hire car licences amounted to a compulsory government asset acquisition;
- (c) the revocation of perpetual Victorian taxi and hire car licences for a fraction of their worth constitutes a breach of the *Charter of Human Rights and Responsibilities Act 2006*;
- (d) arbitrary transition assistance payments in lieu of some, but not all, perpetual Victorian taxi and hire car licences was grossly inadequate and unfair;

- (e) the deregulation of the industry in 2017 has —
  - (i) created a glut of commercial passenger vehicles on our roads;
  - (ii) reduced driver income to well below minimum wage;
  - (iii) threatened the economic viability of the industry;
  - (iv) caused worsening traffic congestion;
- (2) calls on the Andrews Government to —
  - (a) accept a financial proposal to properly compensate the industry for the compulsory asset acquisition of all perpetual Victorian taxi and hire car licences;
  - (b) make adjustments to the commercial passenger vehicle industry structure to better balance market components and end driver exploitation; and
  - (c) support a recovery plan to build back and move the commercial passenger vehicle industry forward through COVID-19.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Quilty.*

**13 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**14 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 6.02 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 85 — Thursday, 26 November 2020

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

2 **ELECTORAL ACT AMENDMENT (PREFERENCE HARVESTING) BILL 2020** — Ms Patten introduced *A Bill for an Act to amend the Electoral Act 2002 to provide for offences in relation to voting preference harvesting where there is a payment or benefit and for other purposes.*

On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 **PAPERS** —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO EXPANDING MELBOURNE'S FREE TRAM ZONE** — Pursuant to Standing Order 23.29, Mr Erdogan presented a Report from the Economy and Infrastructure Committee on the Inquiry into expanding Melbourne's Free Tram Zone (including an Appendix, Extracts 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 Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO NUCLEAR PROHIBITION** — Pursuant to Standing Order 23.29, Mr Melhem presented a Report from the Environment and Planning Committee on the Inquiry into nuclear prohibition (including an Appendix, 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:

Cenitex — Report, 2019-20.

Gambling Regulation Act 2003 — Review of the Point of Consumption Tax on wagering and betting, under section 4.6A.26 of the Act.

Local Jobs First — Report, 2019-20.

Public Health and Wellbeing Act 2008 — No Jab No Play 2020 Review, October 2020, under section 149A of the Act.

- 4 SITTING OF THE COUNCIL** — Mr Leane moved, That the Council, at its rising, adjourn until Tuesday, 8 December 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 7 December 2020, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

- 7 TRANSPORT LEGISLATION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis (*DD52C*) 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.

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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:

- **Public housing waiting list** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 30 November 2020.
- **Animal cruelty** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 30 November 2020.
- **Public housing evictions** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Stitt due Monday, 30 November 2020.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 TRANSPORT LEGISLATION AMENDMENT BILL 2020** — 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 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.

**11 HUMAN TISSUE AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Limbrick (*DL25C*) 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 without amendment, the Report was adopted.

Ms Symes 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, 34

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**12 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020** — 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.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Ms Symes, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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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.

**13 APPROPRIATION (2020-2021) BILL 2020** — 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 ordinary annual services of the Government for the financial year 2020/2021 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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.

**14 APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020** — 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 2020/2021 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**15 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**16 STATE TAXATION ACTS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Environment Protection Act 1970, the Environment Protection Amendment Act 2018, the First Home Owner Grant Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005, the Taxation Administration Act 1997 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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 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 7.15 p.m., adjourned until Tuesday, 8 December 2020.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 83, 84 and 85

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### FOOD AMENDMENT BILL 2020

*Committed Tuesday, 24 November 2020*

**Clauses 1 to 55** — put and agreed to.

**Bill reported without amendment.**

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### ENERGY LEGISLATION AMENDMENT (LICENSE CONDITIONS) BILL 2020

*Committed Tuesday, 24 November 2020*

*Amendments circulated: Mr Rich-Phillips (GRP18C and GRP20C) (pp. 629-31)*

**Clause 1** — Mr Rich-Phillips moved Amendment No. 1 (*GRP18C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Dr Bach; Mr Barton; 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.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 6** — put and agreed to.

**Clause 7** — Mr Rich-Phillips moved Amendment No. 1 (*GRP20C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 7 — put and agreed to.

**Clauses 8 to 21** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**TRANSPORT LEGISLATION AMENDMENT BILL 2020**

*Committed Thursday, 26 November 2020*

*Amendments circulated: Mr Davis (DD52C) (pp. 631-2)*

**Clause 1** — Mr Davis moved Amendment No. 1 (DD52C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 6** — put and agreed to.

**Clause 7** — Mr Davis moved Amendment Nos. 2 and 3 (DD52C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 58** — put and agreed to.

**Bill reported without amendment.**

**HUMAN TISSUE AMENDMENT BILL 2020**

*Committed Thursday, 26 November 2020*

*Amendments circulated: Mr Limbrick (DL25C) (p. 632)*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr Limbrick moved Amendment Nos. 1 to 3 (DL25C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 5 — put and agreed to.

**Clause 6** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020**

*Committed Thursday, 26 November 2020*

*Amendments circulated: Mr O'Donohue (EOD29C) (pp. 632-3)*

**Clauses 1 to 11** — put and agreed to.

**Clause 12** — Mr O'Donohue moved Amendment Nos. 1 and 2 (EOD29C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 12 — put and agreed to.

**Clauses 13 to 54** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. ENERGY LEGISLATION AMENDMENT (LICENSE CONDITIONS) BILL 2020**Amendments circulated by Mr Rich-Phillips (GRP18C)

1. Clause 1, line 4, after "to" insert "temporarily".
2. Clause 2, lines 2 and 3, omit all words and expressions on these lines and insert—
  - "(1) This Act (except Part 4A) comes into operation on the day after the day on which it receives the Royal Assent.
  - (2) Part 4A comes into operation on the second anniversary of the day on which Part 1 comes into operation."
3. Page 25, after line 25, insert the following heading—

**"Part 4A—Sunsetting of amendments made by this Act".**

## NEW CLAUSES

4. Insert the following New Clauses and Division headings to follow clause 20 and the heading proposed by amendment number 3—

**'Division 1—Amendment of Electricity Act 2000****20A Definitions**

In section 3 of the **Electricity Industry Act 2000**, the definitions of ***affected licensee***, ***deemed Ministerial licence condition***, ***Ministerial licence condition*** and ***negotiated connection contract*** are **repealed**.

**20B Provisions relating to licences**

In section 20(2) of the **Electricity Industry Act 2000**, the note at the foot of that subsection is **repealed**.

**20C Specific licence conditions**

Sections 21(v) and (w) of the **Electricity Industry Act 2000** are **repealed**.

**20D Variation or revocation of licence**

- (1) In section 29(1) of the **Electricity Industry Act 2000** omit "Commission" (where first and secondly occurring).
- (2) In section 29(1A) of the **Electricity Industry Act 2000** omit "Commission licence".
- (3) In section 29(2) of the **Electricity Industry Act 2000** omit "Commission".
- (4) Sections 29(2A) and (2B) of the **Electricity Industry Act 2000** are **repealed**.
- (5) In section 29(3) of the **Electricity Industry Act 2000**, for "Commission licence conditions" **substitute** "the licence conditions".
- (6) Section 29(6) of the **Electricity Industry Act 2000** is **repealed**.

**20E Sections 33AB to 33AJ repealed**

Sections 33AB to 33AJ of the **Electricity Industry Act 2000** are **repealed**.

**20F Terms and conditions of contracts for sale of electricity to certain customers**

- (1) In section 36(1) of the **Electricity Industry Act 2000**, for "Subject to subsection (1B), a" **substitute** "A".

- (2) Section 36(1B) of the **Electricity Industry Act 2000** is repealed.

**20G Deemed distribution contracts**

- (1) For section 40A(3) and (3AA) of the **Electricity Industry Act 2000** substitute—

"(3) Unless the Commission approves otherwise in a particular case, the terms and conditions must not be inconsistent with the Electricity Distribution Code published by the Commission in April 2020, as amended or remade from time to time."

- (2) For section 40A(11) of the **Electricity Industry Act 2000** substitute—

"(11) In this section—

**retail customer**, in relation to a distribution company, means a customer of a retailer to which the distribution company distributes or supplies electricity."

**20H Content of financial hardship policies**

In section 43C of the **Electricity Industry Act 2000**—

- (a) in paragraph (d), for "difficulties; and" **substitute** "difficulties.";
- (b) paragraph (e) is **repealed**.

**20I Commission approval**

- (1) In section 45(1) of the **Electricity Industry Act 2000**, for "Subject to this section, the" **substitute** "The".
- (2) Section 45(4) of the **Electricity Industry Act 2000** is **repealed**.

**Division 2—Amendment of Gas Industry Act 2001**

**20J Definitions**

In section 3 of the **Gas Industry Act 2001**, the definitions of **affected licensee**, **deemed Ministerial licence condition** and **Ministerial licence condition** are **repealed**.

**20K Provisions relating to licences**

In section 28(2) of the **Gas Industry Act 2001**, the note at the foot of that subsection is **repealed**.

**20L Variation or revocation of licence**

- (1) In section 38(1) of the **Gas Industry Act 2001** **omit** "Commission" (where first and secondly occurring).
- (2) In section 38(2) of the **Gas Industry Act 2001** **omit** "Commission".
- (3) Sections 38(2A) and (2B) of the **Gas Industry Act 2001** are **repealed**.
- (4) In section 38(3) of the **Gas Industry Act 2001**, for "Commission licence conditions" **substitute** "the licence conditions".
- (5) Section 38(6) of the **Gas Industry Act 2001** is **repealed**.

**20M Sections 40A to 40I repealed**

Sections 40A to 40I of the **Gas Industry Act 2001** are **repealed**.

**20N Terms and conditions of contracts for sale of electricity to certain customers**

- (1) In section 43(1) of the **Gas Industry Act 2001**, for "Subject to subsection (1B), a" **substitute** "A".
- (2) Section 43(1B) of the **Gas Industry Act 2001** is **repealed**.

**20O Deemed distribution contracts**

- (1) For section 48(3) and (3A) of the **Gas Industry Act 2001** substitute—

"(3) Unless the Commission approves otherwise in a particular case, the terms and conditions must not be inconsistent with the Gas Distribution System Code published by the Commission effective 2 January 2020, as amended or remade from time to time."

- (2) For section 48(12) of the **Gas Industry Act 2001** substitute—

"(12) In this section—

**retail customer**, in relation to a gas distribution company, means a customer of a retailer to which the gas distribution company distributes or supplies gas."

#### **20P Content of financial hardship policies**

In section 48GC of the **Gas Industry Act 2001**—

- (a) in paragraph (d), for "difficulties; and" substitute "difficulties.";
- (b) paragraph (e) is **repealed**.

#### **20Q Commission approval**

- (1) In section 48I(1) of the **Gas Industry Act 2001**, for "Subject to this section, the" substitute "The".
- (2) Section 48I(4) of the **Gas Industry Act 2001** is **repealed**.

### **Division 3—Amendment of National Electricity (Victoria) Act 2005**

#### **20R Section 16SA repealed**

Section 16SA of the **National Electricity (Victoria) Act 2005** is **repealed**.'.

5. Clause 21, lines 3 and 4, omit "its commencement" and insert "the first day on which all of its provisions are in operation".

#### AMENDMENT OF LONG TITLE

6. Long title, after "to" (where first occurring) insert "temporarily".

#### Amendments circulated by Mr Rich-Phillips (GRP20C)

1. Clause 7, page 9, line 27, omit "14" and insert "28".
2. Clause 15, page 19, line 32, omit "14" and insert "28".

## **2. TRANSPORT LEGISLATION AMENDMENT BILL 2020**

#### Amendments circulated by Mr Davis (DD52C)

1. Clause 1, page 2, lines 17 to 20, omit all words and expressions on these lines.
2. Clause 7, page 12, after line 21 insert—

#### **"670A Provision of adequate alternative access**

- (1) After serving a notice of intention to close, the Secretary must enter into negotiations for the purposes of section 67V(3)(b) if there is no adequate existing alternative access to the private crossing adjoining land.
- (2) The adequate alternative access must be—

- (a) accessible from the location of the private crossing; and
- (b) within a distance from the private crossing that is agreed by the person on whom the notice has been served."

3. Clause 7, page 15, line 23, after "adjoining land" insert "in accordance with section 67OA".
4. Division heading preceding clause 14, omit this heading.
5. Clause 14, omit this clause.
6. Clause 15, omit this clause.
7. Clause 16, omit this clause.
8. Clause 17, omit this clause.
9. Clause 18, omit this clause.
10. Clause 19, omit this clause.
11. Clause 20, omit this clause.
12. Clause 21, omit this clause.
13. Clause 22, omit this clause.
14. Clause 23, omit this clause.

### 3. HUMAN TISSUE AMENDMENT BILL 2020

#### Amendments circulated by Mr Limbrick (DL25C)

1. Clause 5, page 3, lines 14 and 15, omit ", unless the circumstances set out in section 24E apply".
2. Clause 5, page 4, lines 16 to 36, omit all words and expressions on these lines.
3. Clause 5, page 5, lines 4 and 5, omit ", or in the circumstances set out in section 24E,".

### 4. JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020

#### Amendments circulated by Mr O'Donohue (EOD29C)

1. Clause 12, page 8, line 14, omit 'applies.'" and insert "applies."
2. Clause 12, page 8, after line 14 insert—
  - '(2C) The Drug Court Division of the County Court must not make a drug and alcohol treatment order in respect of an offender who is convicted of an offence against—
    - (a) any of the following provisions of Part V of the **Drugs, Poisons and Controlled Substances Act 1981**—
      - (i) section 71(1) (trafficking in a drug or drugs of dependence—large commercial quantity);
      - (ii) section 71AA(1) or (2) (trafficking in a drug or drugs of dependence—commercial quantity);

- (iii) section 71AB(1) or (2) (trafficking in a drug of dependence to a child);
  - (iv) section 71AC(1) or (2) (trafficking in a drug of dependence);
  - (v) section 71AD(1) (use of violence or threats to cause trafficking in drug of dependence);
  - (vi) section 71A(1) (possession of substance, material, documents or equipment for trafficking in a drug of dependence);
  - (vii) section 71B(1) or (2) (supply of drug of dependence to a child);
  - (viii) section 71C (possession of a tablet press);
  - (ix) section 71D (possession of precursor chemicals);
  - (x) section 71E (possession of document containing information about trafficking or cultivating a drug of dependence);
  - (xi) section 71F (publication of document containing instructions);
  - (xii) section 72 (cultivation of narcotic plants—large commercial quantity);
  - (xiii) section 72A (cultivation of narcotic plants—commercial quantity);
  - (xiv) section 72B (cultivation of narcotic plants);
  - (xv) section 72D(1) or (2) (permitting use of premises for trafficking or cultivation of drug of dependence); or
- (b) an offence against section 79(1) of that Act (conspiring) in respect of an offence against a provision referred to in paragraph (a); or
- (c) an offence against section 80(1), (2), (3) or (4) of that Act (inciting etc.) in respect of an offence against a provision referred to in paragraph (a).".'





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 86, 87 and 88

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#### No. 86 — Tuesday, 8 December 2020

- 1 The President took the Chair at 11.06 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
  1. **Order of Business today**  
The Order of Business today will be —
    - Messages
    - Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 10.00 p.m.** Adjournment (up to 20 Members).
  2. **Sitting of the House on Thursday**  
The sitting of the Council, on Thursday, 10 December 2020, to commence at 10.00 a.m.  
Question — put and agreed to.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 1 December 2020 —
    - Energy Legislation Amendment (Licence Conditions) Act 2020*
    - Food Amendment Act 2020*
    - Marine Safety Amendment (Better Boating Fund) Act 2020*
    - Parks and Crown Land Legislation Amendment Act 2020*
    - Transport Legislation Amendment Act 2020*
  - On 8 December 2020 —
    - Human Tissue Amendment Act 2020*
    - Justice Legislation Amendment (Drug Court and Other Matters) Act 2020.*
- 4 **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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Credit rating impact on State's interest payments** — substantive question asked by Mr Rich-Phillips — response from Ms Symes due Thursday, 10 December 2020.
- **Cameras in rideshare vehicles** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 10 December 2020.
- **Management of new hotel quarantine program** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 10 December 2020.
- **Native timber protests** — supplementary question asked by Mr Bourman — response from Ms Symes due Wednesday, 9 December 2020.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PETITIONS** —

**REINSTATE THE IVANHOE BOULEVARD CHRISTMAS LIGHTS** — Dr Bach presented a Petition bearing 254 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Local Government to direct the Banyule City Council Mayor, Rick Garotti, to reinstate the Ivanhoe Boulevard Christmas lights display for Christmas 2020.

Ordered to lie on the Table.

On the motion of Dr Bach, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**AMEND MANDATORY FACE MASK RULE DURING COVID-19** — Dr Cumming presented a Petition bearing 906 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the rule for the mandatory wearing of a face mask, limiting the mandate to indoor areas and public transport only, for the remainder of the special COVID-19 provisions.

Ordered to lie on the Table.

On the motion of Dr Cumming, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**OVERBRIDGE FOR TARNEIT RAILWAY STATION** — Mr Finn presented a Petition bearing 244 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Public Transport, the Honourable Ben Carroll, to facilitate the construction of an overbridge connecting Platforms 1 and 2 at Tarneit Railway Station.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**INITIAL TEACHER EDUCATION (ITE) PROGRAMS** — Mr Grimley presented a Petition bearing 627 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Education and Training to intervene and support the establishment of one or more Initial Teacher Education programs in Victoria that are capable of producing a sustainable supply of high-quality and professionally qualified Victorian Institute of Teaching registered Vocational Education and Training and Technologies teachers to resource Victorian schools.

Ordered to lie on the Table.

\* \* \* \* \*

**ACCESS TO RATE ASSISTANCE FOR RATEPAYERS** — Mr Hayes presented a Petition bearing 86 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to undertake to make no changes to the *Local Government Act 1989* that removes the right to hardship assistance, work with local councils to review and redraft their policies, by 30 December 2020, relating to rate payment assistance to reflect section 171A of



the *Local Government Act 1989*, and require local councils to issue public apologies for their misuse of the term 'hardship' and to report the number of hardship applications received and granted at each local council meeting.

Ordered to lie on the Table.

\* \* \* \* \*

**IMPLEMENT RECOMMENDATIONS FROM POLICE CORRUPTION AND MISCONDUCT INQUIRY** — Mr Limbrick presented a Petition bearing 149 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently consider and implement the recommendations delivered in the Independent Broad-based Anti-corruption Commission Committee's 2018 report on their *Inquiry into the external oversight of police corruption and misconduct in Victoria*.

Ordered to lie on the Table.

\* \* \* \* \*

**HOSPITAL RESTRICTIONS ON DOULAS DURING COVID-19** — Mr Limbrick presented a Petition bearing 518 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health, the Honourable Martin Foley, and the Department of Health and Human Services to urgently review hospital restrictions imposed during the COVID-19 pandemic and allow doulas to be present as part of the maternal care team in the birthing of a woman's baby.

Ordered to lie on the Table.

\* \* \* \* \*

**HEALTH SERVICES IN ALPINE SHIRE AND SURROUNDS** — Ms Maxwell presented a Petition bearing 316 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health to investigate the current state of health services in the Alpine Shire and its surrounding areas and make the necessary changes required to ensure that adequate and quality health services can be provided.

Ordered to lie on the Table.

\* \* \* \* \*

**MICKLEHAM ROAD AND SOMERTON ROAD INFRASTRUCTURE** — Ms Patten presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

On the motion of Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**SUPPORT MUSIC VENUES** — Ms Patten presented a Petition bearing 2,173 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Music Victoria to develop a package of needs-based financial assistance to protect small to mid-size enterprise music venues until they are able to trade sustainably, put in place a clear and balanced roadmap to re-open at full capacity and provide a fund to support the relaunching of the industry when COVID-19 restrictions are lifted.

Ordered to lie on the Table.

On the motion of Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**RE-OPEN THE HOSPITALITY INDUSTRY SAFELY DURING THE CURRENT STATE OF EMERGENCY** — Mr Quilty presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allow the hospitality sector to re-open safely with previous stage two restrictions being the maximum imposed.

Ordered to lie on the Table.

## 7 PAPERS —

**COMMUNITY PETITION TO INTRODUCE STRINGENT LAWS FOR VICTIMS OF STALKING AND VIOLENCE** — Ms Maxwell moved, by leave, That there be laid before this House a copy

of the Paper titled Community Petition to Introduce stringent laws for victims of stalking and violence.

Question — put and agreed to.

The Paper was presented by Ms Maxwell and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 13 of 2020 (including Appendices and Extracts of Proceedings) 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.

\* \* \* \* \*

**ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS** — Pursuant to section 37(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table the Final Report of the Royal Commission into the Management of Police Informants, November 2020.

\* \* \* \* \*

**OMBUDSMAN — ANNUAL REPORT 2019-20, INCLUDING ANNUAL PLAN 2020-21** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table the Ombudsman's Annual Report 2019-20, including Annual Plan 2020-21.

On the motion of Mr Davis, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Adult, Community and Further Education Board — Report, 2019-20.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(4) in relation to Statutory Rule Nos. 96 and 105 (*Gazette No. G43, 29 October 2020*).

Liquor Control Reform Act 1998 — Report, 2019-20 by the Chief Commissioner of Victoria Police, under section 148R of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C222.

Colac Otway Planning Scheme — Amendment C97.

Darebin Planning Scheme — Amendment C195.

East Gippsland Planning Scheme — Amendment C160.

Greater Bendigo Planning Scheme — Amendment C222.

Greater Geelong Planning Scheme — Amendments C396 and C413.

Latrobe Planning Scheme — Amendment C125.

Manningham Planning Scheme — Amendment C132.

Melbourne Planning Scheme — Amendment C370.

Mornington Peninsula Planning Scheme — Amendment C277.

Port Phillip Planning Scheme — Amendment C171.

Victoria Planning Provisions — Amendments VC180, VC187 and VC190.

Statutory Rules under the following Acts of Parliament —

Cladding Safety Victoria Act 2020 — No. 133.

Public Health and Wellbeing Act 2008 — No. 132.

Supreme Court Act 1986 — Legal Profession Uniform Law (Victoria) — No. 131.

Water Act 1989 — No. 130.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 131 and 132.

Legislative instruments and related documents under section 16B in respect of —

Orders in Council of 15 October 2020 to vary five existing designated area orders under the Liquor Control Reform Act 1998.

Specification of 30 November 2020 of Vehicle Fees and Charges for Overdimensional Vehicles Crossing Tracks under the Transport (Compliance and Miscellaneous) Act 1983.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for advice on aspects of public land use information, under section 26C of the Act.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Cladding Safety Victoria Act 2020 — Whole Act (other than Sections 57A, 57B, 57C, 57D, 57E, 57F and 58A) — 1 December 2020 — Remaining Provisions of the Act — 1 February 2021 (*Gazette No. S624, 1 December 2020*).

Police and Emergency Legislation Amendment Act 2020 — Whole Act (other than Sections 3 and 4 and Parts 4 and 5) — 2 December 2020 (*Gazette No. S624, 1 December 2020*).

**8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 9 December 2020 —

- (1) Order of the Day No. 50, resumption of debate on the motion relating to taxi compensation;
- (2) Notice of Motion No. 436 standing in the name of Mr Davis revoking Moorabool Planning Scheme Amendment C95;
- (3) the notice of motion given this day by Mr Davis on Australia's dispute with the Chinese Communist Party over its use of fake images;
- (4) the notice of motion given this day by Mr Limbrick on vaping; and
- (5) the notice of motion given this day by Mr Quilty on the right to protest.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

**11 STATE TAXATION ACTS AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Suggested Amendments proposed to be moved in Committee by Mr Rich-Phillips (*GRP21C*) 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 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 APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

*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 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.

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for quarantine fees and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney, the Bill was read a first time.

Pursuant to Standing Order 14.34, Ms Tierney declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

Debate ensued.

Amendments proposed to be moved in Committee by Mr O'Donohue (*EOD38C*) were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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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.

**14 ADJOURNMENT** — Ms Tierney 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 11.03 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 87 — Wednesday, 9 December 2020

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — DISCRIMINATION IN PUBLIC SCHOOL CHAPLAIN APPOINTMENTS —** Ms Patten presented a Petition bearing 370 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop advertisements for public school chaplaincy roles from excluding non-Christian applicants and require School Chaplaincy Providers to select school chaplains on merit, irrespective of their religious affiliation or non-affiliation.  
Ordered to lie on the Table.  
On the motion of Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.
- 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 —
    - Sexual Harassment in Local Government, December 2020 (*Ordered to be published*).
    - Systems and Support for Principal Performance, December 2020 (*Ordered to be published*).
  - Commission for Children and Young People — Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care (*Ordered to be published*).
  - Community Visitors — Report, 2019-20 (*Ordered to be published*).
  - Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2019-20.
  - Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, under section 198(8A) of the Act.
  - Victorian Fisheries Authority — Report, 2019-20.
  - Victorian Ports Corporation (Melbourne) — Report, 2019-20.
- 4 **EXTENSION OF GENERAL BUSINESS TODAY —** Mr Davis moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the time for the consideration of General Business today to be extended by up to 20 minutes and require the Chair to interrupt business no later than 5.35 p.m. for Statements on Reports, Papers and Petitions.  
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 6 **TAXI AND HIRE CAR LICENCES —** Debate resumed on the question, That this House —
  - (1) acknowledges that —
    - (a) in 1998, the High Court of Australia determined that a taxi licence was a valuable item of property;
    - (b) since the commencement of the *Commercial Passenger Vehicle Industry Act 2017*, the revocation of perpetual Victorian taxi and hire car licences amounted to a compulsory government asset acquisition;
    - (c) the revocation of perpetual Victorian taxi and hire car licences for a fraction of their worth constitutes a breach of the *Charter of Human Rights and Responsibilities Act 2006*;
    - (d) arbitrary transition assistance payments in lieu of some, but not all, perpetual Victorian taxi and hire car licences was grossly inadequate and unfair;
    - (e) the deregulation of the industry in 2017 has —
      - (i) created a glut of commercial passenger vehicles on our roads;
      - (ii) reduced driver income to well below minimum wage;
      - (iii) threatened the economic viability of the industry;
      - (iv) caused worsening traffic congestion;

- (2) calls on the Andrews Government to —
- (a) accept a financial proposal to properly compensate the industry for the compulsory asset acquisition of all perpetual Victorian taxi and hire car licences;
  - (b) make adjustments to the commercial passenger vehicle industry structure to better balance market components and end driver exploitation; and
  - (c) support a recovery plan to build back and move the commercial passenger vehicle industry forward through COVID-19.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

- 7 REVOCATION OF MOORABOOL PLANNING SCHEME AMENDMENT C95** — Mr Davis moved, That this House, pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment C95 to the Moorabool Planning Scheme.

Debate ensued.

*The Deputy 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 453, be postponed until later this day.

- 9 NICOTINE VAPING** — Mr Limbrick moved, That this House notes that —

- (1) according to the Australian Institute of Health and Welfare, smoking was responsible for 9.3 per cent of the total burden of disease in Australia in 2015 and for more than one in every eight deaths;
- (2) the *Australian Institute of Health and Welfare's National Drug Strategy Household Survey 2019* Report shows that despite a de facto ban on nicotine e-liquids, the rate of vaping has more than doubled since 2016, with 2.5 per cent of the population aged 14 years and over now using e-cigarettes;
- (3) the Report showed that vaping is primarily used as a quitting tool by smokers, with 44 per cent using it to quit, 32 per cent to cut down on smoking, 23 per cent to avoid relapse and 27 per cent to reduce harm from smoking;

- (4) according to the United Kingdom's Royal College of Physicians, nicotine vaping is at least 95 per cent safer than smoking;
- (5) regulation needs to strike the right balance between providing access for addicted smokers, while enforcing a minimum age of sale and strict penalties to discourage uptake by youth; and calls on the Government to support tobacco harm reduction by nicotine vaping as a safer alternative for smokers who are unable to quit through other methods and legalise nicotine liquid for vaping as a consumer product with appropriate and risk-proportionate regulations.

*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.

**HARDWOOD TIMBER INDUSTRY** — Ms Symes having given an answer to a question without notice relating to the hardwood timber industry —

On the motion of Ms Bath, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice 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:

- **Permit system for public protests** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 11 December 2020.
- **Veterans' housing** — substantive and supplementary questions asked by Dr Cumming — response from Ms Stitt due Friday, 11 December 2020.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**12 NICOTINE VAPING** — Debate continued on the question, That this House notes that —

- (1) according to the Australian Institute of Health and Welfare, smoking was responsible for 9.3 per cent of the total burden of disease in Australia in 2015 and for more than one in every eight deaths;
- (2) the *Australian Institute of Health and Welfare's National Drug Strategy Household Survey 2019* Report shows that despite a de facto ban on nicotine e-liquids, the rate of vaping has more than doubled since 2016, with 2.5 per cent of the population aged 14 years and over now using e-cigarettes;
- (3) the Report showed that vaping is primarily used as a quitting tool by smokers, with 44 per cent using it to quit, 32 per cent to cut down on smoking, 23 per cent to avoid relapse and 27 per cent to reduce harm from smoking;
- (4) according to the United Kingdom's Royal College of Physicians, nicotine vaping is at least 95 per cent safer than smoking;
- (5) regulation needs to strike the right balance between providing access for addicted smokers, while enforcing a minimum age of sale and strict penalties to discourage uptake by youth; and calls on the Government to support tobacco harm reduction by nicotine vaping as a safer alternative for smokers who are unable to quit through other methods and legalise nicotine liquid for vaping as a consumer product with appropriate and risk-proportionate regulations.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — put and agreed to.

**13 RIGHT TO PROTEST** — Mr Quilty moved, That this House —

- (1) notes that —
  - (a) free assembly and expression are fundamental and well-recognised human rights, essential to the functioning of a free and democratic society, as recognised in —
    - (i) Articles 19 and 20 of the United Nations' *Universal Declaration of Human Rights*, adopted by the UN with Australia's support;

- (ii) Articles 19 and 21 of the *International Covenant on Civil and Political Rights* to which Australia is a signatory;
- (iii) rulings of the High Court of Australia, including the 1997 *Lange v Australian Broadcasting Corporation* case, which accepts that Australians enjoy an implied freedom of political communication;
- (iv) sections 15 and 16 of the *Charter of Human Rights and Responsibilities Act 2006*;
- (b) Australian law and the High Court decision in *Lange* recognises that certain measures may limit these rights but such limitations must be reasonably appropriate and adapted to a legitimate purpose;
- (c) public health restrictions throughout the pandemic restricted the right to free assembly and provided no reasonable way for protesters to gather safely and in compliance with the law;
- (2) calls on the Government to restore and protect the right to free assembly in Victoria by —
  - (a) relaxing restrictions as far as is necessary;
  - (b) providing clear guidance on how the right to protest may be lawfully exercised in Victoria; and
  - (c) ensuring that future public health directions allow for protesting to be a legitimate reason to leave the home.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Mr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 14 AUSTRALIA'S DISPUTE WITH THE CHINESE COMMUNIST PARTY OVER ITS USE OF FAKE IMAGES** — Mr Davis moved, That this House does not support the use of doctored fake images of Australian soldiers by the Chinese Communist Party as a continuing campaign attacking Australia's interests.

*Business having been interrupted pursuant an Order of the Council earlier this day, the debate stood adjourned in the name of Mr Davis.*

- 15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

- 16 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Public Health and Wellbeing Amendment (Quarantine Fees) Act 2020.*

- 17 ADJOURNMENT** — Mr Leane 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 6.06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 88 — Thursday, 10 December 2020

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

**INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 967 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.

\* \* \* \* \*

**VICTORIAN BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 213 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to recognise the increase in operational costs and demands that Victoria's bush nursing centres constantly face and to immediately and properly resource bush nursing centres.

Ordered to lie on the Table.

3 **DRUGS AND CRIMINAL PROCEDURE LEGISLATION AMENDMENT (DIVERSION REFORM)**

**BILL 2020** — Mr Limbrick introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 and the Criminal Procedure Act 2009 to provide for the use and possession of small quantities of drugs to be dealt with through diversion programs and for other purposes.*

On the motion of Mr Limbrick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS —**

**EMERGENCY MANAGEMENT VICTORIA — PARTNERSHIPS VICTORIA MOBILE DATA NETWORK CONTRACT EXTENSION — PROJECT SUMMARY** — Ms Tierney moved, by leave, That there be laid before this House a copy of Emergency Management Victoria's Partnerships Victoria Mobile Data Network Contract Extension — Project Summary, December 2019.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIA LAW FOUNDATION REPORT, 2019-20** — Ms Tierney moved, by leave, That there be laid before this House a copy of Victoria Law Foundation Report, 2019-20.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**VISIT VICTORIA REPORT, 2019-20** — Ms Pulford moved, by leave, That there be laid before this House a copy of Visit Victoria Limited Report, 2019-20.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

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**SUSTAINABILITY FUND 2019-20 ACTIVITIES REPORT** — Mr Leane moved, by leave, That there be laid before this House a copy of the 2019-20 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE PERFORMANCE OF VICTORIAN INTEGRITY AGENCIES 2017/18-2018/19** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Shing presented a Report from the Integrity and Oversight Committee on the Inquiry into the performance of Victorian integrity agencies 2017/18-2018/19 (including Appendix), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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, 2019-20.
- Administrator of National Health Funding Pool – Victoria State Pool Account — Report, 2019-20.
- Adult Parole Board of Victoria — Report, 2019-20.
- Agriculture Victoria Services Pty Ltd — Report, 2019-20.
- Albury Wodonga Health — Report, 2019-20.
- Alexandra Health Service — Report, 2019-20.
- Alfred Health — Report, 2019-20.
- Alpine Health — Report, 2019-20.
- Alpine Resorts Co-ordinating Council — Report, 2019-20.
- Ambulance Victoria — Report, 2019-20.
- Architects Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.
- Austin Health — Report, 2019-20.
- Australian Grand Prix Corporation — Report, 2019-20.
- Australian Health Practitioner Regulation Agency — Report, 2019-20.
- Bairnsdale Regional Health Service — Report, 2019-20.
- Ballarat General Cemeteries Trust — Report, 2019-20.
- Ballarat Health Services — Report, 2019-20.
- Barwon Health — Report, 2019-20.
- Barwon Region Water Corporation — Report, 2019-20.
- Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.
- Bass Coast Health — Report, 2019-20.
- Beaufort and Sipton Health Service — Report, 2019-20.
- Beechworth Health Service — Report, 2019-20.
- Benalla Health — Report, 2019-20.
- Bendigo Cemeteries Trust — Minister's report of receipt of the 2019-20 report.
- Bendigo Health — Report, 2019-20.
- Boort District Health — Report, 2019-20.
- Calvary Health Care Bethlehem Limited — Report, 2019-20.
- Casterton Memorial Hospital — Report, 2019-20.
- Castlemaine Health — Report, 2019-20.
- Central Gippsland Health Service — Report, 2019-20.
- Central Gippsland Region Water Corporation — Report, 2019-20.
- Central Highlands Region Water Corporation — Report, 2019-20.
- Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2018, under section 52 of the Act.
- Cohuna District Hospital — Report, 2019-20.
- Colac Area Health — Report, 2019-20.
- Coliban Region Water Corporation — Report, 2019-20.
- Commercial Passenger Vehicle Commission — Report, 2019-20.
- Commission for Children and Young People — Report, 2019-20 (*Ordered to be published*).
- Commissioner for Environmental Sustainability Act 2003 —  
  - Victorian Government response to the State of the Environment 2018 report.
  - Victorian Government response to the State of the Yarra and its Parklands 2018 report.
- Commissioner for Environmental Sustainability Victoria — Minister's report of receipt of the 2019-20 report.
- Confiscation Act 1997 — Asset Confiscation Operations Report, 2019-20.
- Consumer Affairs Victoria — Report, 2019-20 (*Ordered to be published*).

Consumer Policy Research Centre — Report, 2019-20.  
Corangamite Catchment Management Authority — Report, 2019-20.  
Coronial Council of Victoria — Report, 2019-20.  
Corryong Health — Report, 2019-20.  
Country Fire Authority (CFA) — Report, 2019-20.  
Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31 by the Australian Criminal Intelligence Commission.  
Dairy Food Safety Victoria — Report, 2019-20.  
Dental Health Services Victoria — Report, 2019-20.  
Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2019-20 report.  
Disability Services Commissioner — Report, 2019-20.  
Djerriwarrh Health Services — Report, 2019-20.  
East Gippsland Catchment Management Authority — Report, 2019-20.  
East Gippsland Region Water Corporation — Report, 2019-20.  
East Grampians Health Service — Report, 2019-20.  
East Wimmera Health Service — Report, 2019-20.  
Echuca Regional Health — Report, 2019-20.  
Edenhope and District Memorial Hospital — Report, 2019-20.  
Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2019-20.  
Emergency Services Telecommunications Authority (ESTA) — Report, 2019-20.  
Energy Safe Victoria — Report, 2019-20.  
Environment Protection Authority (EPA) — Report, 2019-20.  
Essential Services Commission — Report, 2019-20.  
Fed Square Pty Ltd — Report, 2019-20.  
Forensic Leave Panel — Report, 2019-20.  
Game Management Authority — Report, 2019-20.  
Geelong Cemeteries Trust — Report, 2019-20.  
Geelong Performing Arts Centre Trust — Report, 2019-20.  
Geoffrey Gardiner Dairy Foundation Limited — Report, 2019-20.  
Gippsland and Southern Rural Water Corporation — Report, 2019-20.  
Gippsland Southern Health Service — Report, 2019-20.  
Glenelg Hopkins Catchment Management Authority — Report, 2019-20.  
Goulburn Broken Catchment Management Authority — Report, 2019-20.  
Goulburn Valley Health (GV Health) — Report, 2019-20.  
Goulburn Valley Region Water Corporation — Report, 2019-20.  
Grampians Wimmera Mallee Water Corporation (GWM Water) — Report, 2019-20.  
Great Ocean Road Health — Report, 2019-20.  
Greater Metropolitan Cemeteries Trust — Report, 2019-20.  
Greyhound Racing Victoria — Report, 2019-20.  
Harness Racing Victoria — Report, 2019-20.  
Health Complaints Commissioner — Report, 2019-20.  
Health Purchasing Victoria — Report, 2019-20.  
Heathcote Health — Report, 2019-20.  
Heritage Council of Victoria — Minister's report of receipt of the 2019-20 report.  
Hesse Rural Health Service — Report, 2019-20.  
Heywood Rural Health Service — Report, 2019-20.  
Infrastructure Victoria — Report, 2019-20.  
Inglewood and Districts Health Service — Report, 2019-20.  
Kardinia Park Stadium Trust — Report, 2019-20.  
Kerang District Health — Report, 2019-20.  
Kooweerup Regional Health Service — Report, 2019-20.  
Kyabram District Health Service — Report, 2019-20.  
Labour Hire Licensing Authority — Report, 2019-20.  
Latrobe Regional Hospital — Report, 2019-20.  
Latrobe Valley Mine Rehabilitation Commissioner — Report, 2019-20.  
Legal Practitioners' Liability Committee — Report, 2019-20.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2019-20.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Lower Murray Urban and Rural Water Corporation — Report, 2019-20.

Maldon Hospital — Report, 2019-20.

Mallee Catchment Management Authority — Report, 2019-20.

Mallee Track Health and Community Service — Report, 2019-20.

Mansfield District Hospital — Report, 2019-20.

Maryborough District Health Service — Report, 2019-20.

Melbourne and Olympic Parks Trust — Report, 2019-20.

Melbourne Convention and Exhibition Trust — Report, 2019-20.

Melbourne Market Authority — Report, 2019-20.

Mental Health Complaints Commissioner — Report, 2019-20.

Mental Health Tribunal — Report, 2019-20.

Mercy Hospitals Victoria Ltd — Report, 2019-20.

Metropolitan Fire and Emergency Services Board (MFB) — Report, 2019-20.

Mildura Cemetery Trust — Minister's report of receipt of the 2019-20 report.

Moyness Health Services — Report, 2019-20.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2019-20 report.

National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2019-20.

Nathalia Cobram Numurkah (NCN) Health — Report, 2019-20.

North Central Catchment Management Authority — Report, 2019-20.

North East Catchment Management Authority — Report, 2019-20.

North East Region Water Corporation — Report, 2019-20.

North East Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Northeast Health Wangaratta — Report, 2019-20.

Northern Health — Report, 2019-20.

Office of the National Rail Safety Regulator — Report, 2019-20.

Office of the Public Advocate — Report, 2019-20 (*Ordered to be published*).

Omeo District Health — Report, 2019-20.

Orbost Regional Health — Report, 2019-20.

Parks Victoria — Report, 2019-20.

Peninsula Health — Report, 2019-20.

Peter MacCallum Cancer Centre — Report, 2019-20.

Phillip Island Nature Parks — Report, 2019-20.

Phytogene Pty Ltd — Minister's report of receipt of the 2019-20 report.

Port Phillip and Westernport Catchment Management Authority — Report, 2019-20.

Portland District Health — Report, 2019-20.

Post Sentence Authority — Report, 2019-20.

PrimeSafe — Report, 2019-20.

Public Interest Monitor — Report, 2019-20.

Queen Elizabeth Centre — Report, 2019-20.

Residential Tenancies Bond Authority — Report, 2019-20.

Robinvale District Health Service — Report, 2019-20.

Rochester and Elmore District Health Service — Report, 2019-20.

Royal Botanic Gardens Board Victoria — Report, 2019-20.

Royal Victorian Eye and Ear Hospital — Report, 2019-20.

Royal Women's Hospital — Report, 2019-20.

Rural Northwest Health — Report, 2019-20.

Seymour Health — Report, 2019-20.

South Gippsland Hospital — Report, 2019-20.

South Gippsland Region Water Corporation — Report, 2019-20.

South West Healthcare — Report, 2019-20.

Southern Metropolitan Cemeteries Trust — Report, 2019-20.

St Vincent's Hospital (Melbourne) Limited — Report, 2019-20.  
State Electricity Commission of Victoria — Report, 2019-20.  
State Sport Centres Trust — Report, 2019-20.  
State Trustees Limited — Report, 2019-20.  
Surveillance Devices Act 1999 — Report, 2019-20 by the Independent Broad-based Anti-corruption Commission, under section 30L of the Act.  
Stawell Regional Health — Report, 2019-20.  
Surveyors Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.  
Sustainability Victoria — Report, 2019-20.  
Swan Hill District Health — Report, 2019-20.  
Tallangatta Health Service — Report, 2019-20.  
Terang and Mortlake Health Service — Report, 2019-20.  
Terrorism (Community Protection) Act 2003 — Review of the Terrorism (Community Protection) Act 2003 — Stage One Report, December 2020, under section 38 of the Act.  
The Kilmore and District Hospital — Report, 2019-20.  
Timboon and District Health Care Service — Report, 2019-20.  
Tweddle Child and Family Health Service — Report, 2019-20.  
V/Line Corporation — Report, 2019-20.  
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.  
VicForests — Report, 2019-20.  
Victims of Crime Assistance Tribunal — Report, 2019-20.  
Victims of Crime Commissioner — Report, 2019-20.  
Victoria Legal Aid — Report, 2019-20.  
Victoria State Emergency Service Authority — Report, 2019-20.  
Victoria's Mental Health Services — Report, 2019-20.  
Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of the 2019-20 report.  
Victorian Building Authority — Report, 2019-20.  
Victorian Environmental Assessment Council — Report, 2019-20.  
Victorian Environmental Water Holder — Report, 2019-20.  
Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to be published*).  
Victorian Funds Management Corporation — Report, 2019-20.  
Victorian Health Promotion Foundation — Report, 2019-20.  
Victorian Inspectorate — Report 1 January to 30 June 2020, under section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.  
Victorian Institute of Forensic Medicine (Forensicare) — Report, 2019-20.  
Victorian Institute of Forensic Mental Health — Report, 2019-20.  
Victorian Legal Services Board and the Legal Services Commissioner — Report, 2019-20 (*Ordered to be published*).  
Victorian Marine and Coastal Council — Report, 2019-20.  
Victorian Pharmacy Authority — Report, 2019-20.  
Victorian Planning Authority — Report, 2019-20.  
Victorian Plantations Corporation — Report, 2019-20.  
Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2019-20 report.  
VITS LanguageLoop — Report, 2019-20.  
Wannon Region Water Corporation — Report, 2019-20.  
West Gippsland Catchment Management Authority — Report, 2019-20.  
West Gippsland Healthcare Group — Report, 2019-20.  
West Wimmera Health Service — Report, 2019-20.  
Western District Health Service — Report, 2019-20.  
Western Health — Report, 2019-20.  
Western Region Water Corporation — Report, 2019-20.  
Westernport Region Water Corporation — Report, 2019-20.

Wimmera Catchment Management Authority — Report, 2019-20.  
 Wimmera Health Care Group — Report, 2019-20.  
 Witness Protection Act 1991 — Report, 2019-20, under section 20R by Victoria Police.  
 Yarram and District Health Service — Report, 2019-20.  
 Yarrawonga Health — Report, 2019-20.  
 Yea and District Memorial Hospital — Report, 2019-20.  
 Youth Parole Board — Report, 2019-20.  
 Zoological Parks and Gardens Board — Report, 2019-20.

- 5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 February 2021, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 6 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Mr Limbrick be discharged from the Standing Committee on the Environment and Planning; and
  - (2) Dr Cumming be a member of the Standing Committee on the Environment and Planning.

Question — put and agreed to.

- 7 COGNATE DEBATE — APPROPRIATION (2020-2021) BILL 2020 AND BUDGET PAPERS, 2020-21** — Ms Symes moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2020-2021) Bill 2020 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2020-21, contingent on such a motion being moved.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

- 10 APPROPRIATION (2020-2021) BILL 2020** — 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 —*

- 11 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Fire services management** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 14 December 2020.
- **Imprisonment rates** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Monday, 14 December 2020.
- **Clarinda concrete crusher facility** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 14 December 2020.
- **Free kindergartens** — substantive question asked by Dr Bach — response from Ms Stitt due Monday, 14 December 2020.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 13 APPROPRIATION (2020-2021) BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

On the motion of Ms Pulford, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to prohibit change or suppression practices, to amend certain definitions in the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 15 ADJOURNMENT** — Ms Stitt 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 7.46 p.m., adjourned until Tuesday, 2 February 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 86, 87 and 88

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### STATE TAXATION ACTS AMENDMENT BILL 2020

*Committed Tuesday, 8 December 2020*

*Suggested Amendments circulated: Mr Rich-Phillips (GRP21C) (p. 656)*

**Clause 1** — Mr Rich-Phillips moved Suggested Amendment No. 1 (GRP21C) — put and negatived.  
Clause 1 — no question put pursuant to Standing Order 14.15(2).

**Clauses 2 to 21** — no question put pursuant to Standing Order 14.15(2).

**Clauses 22 to 28** — Mr Rich-Phillips moved Suggested Amendment Nos. 2 to 11 (GRP21C).

Question — That the part heading and division headings preceding clause 22, the division heading preceding clause 26 and clauses 22 to 28 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 12

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 29 to 44** — no question put pursuant to Standing Order 14.15(2).

**Clause 45** — Mr Rich-Phillips moved Suggested Amendment No. 12 (GRP21C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 45 — no question put pursuant to Standing Order 14.15(2).

**Clauses 46 to 70** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020**

*Committed Tuesday, 8 December 2020*

*Suggested Amendments circulated: Mr Rich-Phillips (GRP23C) (p. 657)*

Suggested Amendments proposed to be moved in Committee by Mr Rich-Phillips (GRP23C) were circulated.

By leave, the Deputy President postponed Mr Rich-Phillips' Amendment Nos. 1 and 2 (GRP23C).

**Clauses 1 to 8** — no question put pursuant to Standing Order 14.15(2).

**Schedule 1** — Mr Rich-Phillips moved Suggested Amendment No. 3 (GRP23C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Rich-Phillips moved Suggested Amendment No. 4 (GRP23C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Schedule 1 — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020**

*Committed Tuesday, 8 December 2020*

*Amendments circulated: Mr O'Donohue (EOD38C) (pp. 657-8)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved Amendment Nos. 1 to 3 (EOD38C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 6** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (2020-2021) BILL 2020**

*Committed Thursday, 10 December 2020*

**Clauses 1 to 14** — no question put pursuant to Standing Order 14.15(2).

**Schedules 1 to 6** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. STATE TAXATION ACTS AMENDMENT BILL 2020

#### Suggested Amendments circulated by Mr Rich-Phillips

1. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines.
2. **Suggested amendment to the Legislative Assembly -**  
Part heading preceding clause 22, omit this heading.
3. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 22, omit this heading.
4. **Suggested amendment to the Legislative Assembly -**  
Clause 22, omit this clause.
5. **Suggested amendment to the Legislative Assembly -**  
Clause 23, omit this clause.
6. **Suggested amendment to the Legislative Assembly -**  
Clause 24, omit this clause.
7. **Suggested amendment to the Legislative Assembly -**  
Clause 25, omit this clause.
8. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 26, omit this heading.
9. **Suggested amendment to the Legislative Assembly -**  
Clause 26, omit this clause.
10. **Suggested amendment to the Legislative Assembly -**  
Clause 27, omit this clause.
11. **Suggested amendment to the Legislative Assembly -**  
Clause 28, omit this clause.
12. **Suggested amendment to the Legislative Assembly -**  
Clause 45, lines 28 to 30, omit all words and expressions on these lines.
13. **Suggested amendment to the Legislative Assembly -**  
Clause 46, lines 22 to 24, omit all words and expressions on these lines.
14. **Suggested amendment to the Legislative Assembly -**  
Clause 55, omit this clause.

#### AMENDMENT OF LONG TITLE

15. **Suggested amendment to the Legislative Assembly -**  
Long title, omit "the **Environment Protection Act 1970**, the **Environment Protection Amendment Act 2018**".

## 2. APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020

### Suggested Amendments circulated by Mr Rich-Phillips

1. **Suggested amendment to the Legislative Assembly—**  
Clause 3, line 4, omit "\$250 697 000" and insert "\$257 101 000".
2. **Suggested amendment to the Legislative Assembly—**  
Clause 5, line 17, omit "\$250 697 000" and insert "\$257 101 000".
3. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 17, omit "42 196" and insert "46 600".
4. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 18, omit "19 608" and insert "21 608".
5. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 19, omit "250 697" and insert "257 101".
6. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 14, line 8, omit "42 196" and insert "46 600".
7. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 14, line 12, omit "42 196" and insert "46 600".
8. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 15, line 7, omit "19 308" and insert "21 308".
9. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 15, line 11, omit "19 608" and insert "21 608".

## 3. PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020

### Amendments circulated by Mr O'Donohue

1. Clause 3, page 4, after line 4 insert—
  - "(1A) Regulations made under subsection (1)(a) must include the following circumstances as circumstances that COVID-19 Quarantine Victoria must have regard to in making a decision under section 259 in relation to a quarantined person who is an adult—
    - (a) whether the person is an Australian citizen or permanent resident within the meaning of the Australian Citizenship Act 2017 of the Commonwealth; and
    - (b) whether the person—
      - (i) has a weekly income (from all sources) at the time the person makes an application under section 259 of not more than \$1,903 per week before tax; or
      - (ii) is part of a couple who are both quarantined persons and the weekly income of the couple (from all sources) at the time an application for the couple is made under section 259 is not more than \$1,903 per week before tax; and
    - (c) whether the person—
      - (i) has not more than \$10 000 in cash or in savings deposited with an ADI (excluding term deposits) at the time the person makes an application under section 259; or
      - (ii) is part of a couple who are both quarantined persons and the couple has not more than \$10 000 (in total) in cash or in savings deposited with an ADI

(excluding term deposits) at the time an application for the couple is made under section 259; and

(d) whether the person—

- (i) lost their employment on or after 16 March 2020 and was not employed at any time before they departed for Australia; or
- (ii) was employed during the applicable period and their weekly working hours or weekly wage or salary, at the end of that period, was, as the case requires—
  - (A) 20% less than their weekly working hours than at the start of that period; or
  - (B) 20% less than their weekly wage or salary than at the start of that period; or
- (iii) was a sole trader whose business was suspended on or after 16 March 2020 and did not restart before the person departed for Australia; or
- (iv) carried on business as a sole trader during the applicable period and the business's turnover at the end of that period was 20% less than at the start of that period."

2. Clause 3, page 4, after line 5 insert—

**"applicable period** means the period—

- (a) commencing on 16 March 2020; and
- (b) ending on—
  - (i) in the case of a quarantined person employed as at that commencement, the day on which the person ceases employment for the purpose of departing for Australia; and
  - (ii) in the case of a quarantined person carrying on business as a sole trader as at that commencement, the day on which the person ceases carrying on that business for the purpose of departing for Australia;".

3. Clause 3, page 4, after line 7 insert—

**"quarantined person** has the same meaning as in Part 14;".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 89, 90 and 91

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#### No. 89 — Tuesday, 2 February 2021

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —
  - On 15 December 2020, given the Royal Assent to the following Acts presented to her by the Speaker:
    - Appropriation (2020-2021) Act 2020*
    - Appropriation (Parliament 2020-2021) Act 2020.*
  - On 15 December 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:
    - State Taxation Acts Amendment Act 2020.*
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That —
  - (1) the temporary order agreed to by the House on 15 September 2020 relating to the Order of Business on a Tuesday be rescinded;
  - (2) Standing Order 4.01(1) and Sessional Order 1 be suspended to the extent necessary to allow the following temporary arrangement to come into effect immediately and remain in place until the House resolves otherwise —
    1. **Days and hours of meeting**  
Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —
      - (a) Tuesday at 11.00 a.m.;
      - (b) Wednesday at 9.30 a.m.;
      - (c) Thursday at 10.00 a.m.; and
      - (d) Friday at 9.30 a.m..

Question — put and agreed to.
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**SOLE TRADER SUPPORT FUND** — Ms Pulford having given answers to a question without notice and supplementary question relating to the sole trader support fund —  
On the motion of Mr Davis, 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:

- **Central Pier, Docklands** — substantive question asked by Ms Patten — response from Ms Stitt due Wednesday, 3 February 2021.
- **Impact of border check points on Wodonga businesses** — substantive and supplementary questions asked by Ms Lovell — response from Ms Pulford due Wednesday, 3 February 2021.
- **Duck season announcement** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 4 February 2021.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PETITIONS** —

**BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 55 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately and properly resource Bush Nursing Centres, recognising the increase in operational costs and demand that these centres constantly face.

Ordered to lie on the Table.

\* \* \* \* \*

**PARLIAMENTARY INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 75 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.

\* \* \* \* \*

**REJECT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 4,101 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Change or Suppression (Conversion) Practices Prohibition Bill 2020.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**VOTE AGAINST THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 3,625 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Change or Suppression (Conversion) Practices Prohibition Bill 2020.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

**7 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2021** — Mr Barton introduced *A Bill for an Act to amend the Commercial Passenger Vehicle Industry Act 2017 to make provision for and in relation to the safety and accessibility of commercial passenger vehicles and for other purposes.*

On the motion of Mr Barton, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 1 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.



Mrs McArthur moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the Inquiry into the Victorian Government's response to the COVID-19 pandemic (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.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S COVID-19 CONTACT TRACING SYSTEM AND TESTING REGIME** — Pursuant to a resolution of the Council of 10 November 2020, the Clerk laid on the Table a copy of the Legal and Social Issues Committee's Report on the Inquiry into the Victorian Government's COVID-19 contact tracing system and testing regime.

Ms Patten presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO THE DETENTION AND TREATMENT OF PUBLIC HOUSING RESIDENTS ARISING FROM A COVID-19 'HARD LOCKDOWN' IN JULY 2020** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020, December 2020.

\* \* \* \* \*

**COVID-19 HOTEL QUARANTINE INQUIRY — FINAL REPORT AND RECOMMENDATIONS** — Pursuant to section 77(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the COVID-19 Hotel Quarantine Inquiry, Final Report and Recommendations, December 2020.

\* \* \* \* \*

**ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY — REPORT ON PUBLIC HEARING 5** — Pursuant to section 37(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's Report on Public hearing 5 – Experiences of people with disability during the ongoing COVID-19 pandemic.

\* \* \* \* \*

**REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, the Clerk laid on the Table a copy of the 9<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Bendigo Cemeteries Trust — Report, 2019-20.

Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31 by Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2019-20, under section 42BI by Victoria Police.

Judicial Entitlements Act 2015 — Attorney-General's recommendation statement to the 2020 Own Motion Recommendation Report of the Judicial Entitlements Panel, under section 34 of the Act.

Murray-Darling Basin Authority — Report, 2019-20.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C55.

Ararat, Boroondara, Glen Eira, Greater Geelong, Knox, Melbourne, Queenscliffe, Wellington and Whitehorse Planning Schemes — Amendment GC172.

Banyule Planning Scheme — Amendment C153.

Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra Planning Schemes — Amendment GC177.

Baw Baw Planning Scheme — Amendment C131.

Boroondara Planning Scheme — Amendments C305, C318, C330, C334 and C338.

Boroondara and Knox Planning Schemes — Amendment GC178.

Brimbank, Greater Geelong, Melbourne, Whittlesea Planning Schemes — Amendment GC176.

Cardinia Planning Scheme — Amendments C234 and C251.

Casey Planning Scheme — Amendment C258.

Colac Otway Planning Scheme — Amendment C107.

Darebin Planning Scheme — Amendment C196.

Frankston Planning Scheme — Amendment C147.

Glen Eira Planning Scheme — Amendments C201 and C219.

Glenelg Planning Scheme — Amendment C105.

Greater Bendigo Planning Scheme — Amendments C232 and C245.

Greater Geelong Planning Scheme — Amendments C419 and C424.

Greater Shepparton, Hume, Mitchell, Strathbogie and Whittlesea Planning Schemes — Amendment GC174.

Indigo Planning Scheme — Amendment C74.

Latrobe Planning Scheme — Amendment C129.

Manningham Planning Scheme — Amendment C131.

Mansfield Planning Scheme — Amendment C46.

Maribyrnong Planning Scheme — Amendment C171.

Melbourne Planning Scheme — Amendments C391 and C400.

Moonee Valley Planning Scheme — Amendment C215.

Moorabool Planning Scheme — Amendment C96.

Moreland Planning Scheme — Amendments C167, C200 and C211.

Murrindindi Planning Scheme — Amendment C70.

Nillumbik Planning Scheme — Amendment C132.

Port of Melbourne Planning Scheme — Amendment C2.

Southern Grampians Planning Scheme — Amendment C57.

Victoria Planning Provisions — Amendment VC188.

Wangaratta Planning Scheme — Amendment C84.

Whittlesea Planning Scheme — Amendments C250, C254 and C256.

Yarra Planning Scheme — Amendments C238 and C289.

Project Development and Construction Management Act 1994 — Nomination Order and Application Order of 22 December 2020, under sections 6 and 8 of the Act and a statement of reasons for making a Nomination Order of 14 December 2020, under section 9 of the Act.

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 135/2020.

Climate Change Act 2007 — No. 144/2020.

Commercial Passenger Vehicle Industry Act 2017 — No. 146/2020.

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 147/2020.

Criminal Procedure Act 2009 — No. 134/2020.

Dangerous Goods Act 1985 — No. 140/2020.

Education and Training Reform Act 2006 — No. 143/2020.

Electricity Safety Act 1998 — No. 136/2020.

Family Violence Protection Act 2008 — No. 139/2020.

National Parks Act 1975 — No. 137/2020.

- Occupational Health and Safety Act 2004 — No. 141/2020.  
 Public Health and Wellbeing Act 2008 — Nos. 149/2020 and 1/2021.  
 Residential Tenancies Act 1997 — No. 3/2021.  
 Service Victoria Act 2018 — No. 138/2020.  
 Subordinate Legislation Act 1994 — No. 145/2020.  
 Victorian Energy Efficiency Target Act 2007 — No. 142/2020.  
 Wildlife Act 1975 — No. 148/2020.  
 Worker Screening Act 2020 — No. 2/2021.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 130/2020, 133/2020 to 143/2020, 145/2020 to 148/2020, 1/2021 and 2/2021.  
 Legislative instruments and related documents under section 16B in respect of —  
 Code for the Disabled Persons Parking Scheme (Accessible Parking Permit Scheme) of 29 October 2020 under the Road Safety Act 1986.  
 Determination of Objectives to Minimise Salinity Impacts from Irrigation in High Salinity Impact Zones 2021 of 21 December 2020 under the Water Act 1989.  
 Determination of Salinity Impact Zones and Salinity Impact Charges 2021 of 21 December 2020 under the Water Act 1989.  
 Electricity Safety Exemption Order 2020 of 21 December 2020 under the Electricity Safety Act 1998.  
 Ministerial Order No. 1316 amending Ministerial Order (Constitution of Government School Councils) 2020 of 13 January 2021 under the Education and Training Reform Act 2006.  
 Surveillance Devices Act 1999 — Report, 2019-20, under section 30L by the Australian Criminal Intelligence Commission.  
 Victorian Responsible Gambling Foundation — Report, 2019-20.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Cladding Safety Victoria Act 2020 — Whole Act (other than Sections 57A, 57B, 57C, 57D, 57E, 57F and 58A) — 1 December 2020 — Remaining Provisions — 1 February 2021 (*Gazette No. S624, 1 December 2020*).
- Consumer Legislation Amendment Act 2020 — Part 4 — 1 February 2021 (*Gazette No. S685, 22 December 2020*).
- Parks and Crown Land Legislation Amendment Act 2020 — Part 1, Part 2, Part 3 (except Section 30), Part 4 (except Sections 32, 33 and 34), Part 5 (except Section 49), Part 6 (except Section 61), Part 7 (except Sections 63, 64, 68, 70, 73, 74, 76, 77, 78, 79, 81, 82(3), 83, 84(3), 109, 110, 111 and 112), Part 8, Part 9 and Part 11 — 15 December 2020 (*Gazette No. S666, 15 December 2020*).
- Police and Emergency Legislation Amendment Act 2020 — Whole Act (other than Sections 3 and 4 and Parts 4 and 5) — 2 December 2020 (*Gazette No. S624, 1 December 2020*).
- Project Development and Construction Management Amendment Act 2020 — Whole Act — 22 December 2020 (*Gazette No. S685, 22 December 2020*).
- Residential Tenancies Amendment Act 2018 — Remaining Provisions — 29 March 2021 (*Gazette No. S42, 27 January 2021*).
- Worker Screening Act 2020 — Whole Act (other than Division 19 of Part 9.3) — 1 February 2021 (*Gazette No. S647, 8 December 2020*).

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 February 2021 —

- (1) the notice of motion given this day by Mr Barton on the production of documents relating to the Multi Purpose Taxi Program trial;
- (2) the notice of motion given this day by Mr Davis on the attendance of the Ombudsman and the IBAC Commissioner in the Council Chamber;
- (3) the notice of motion given this day by Ms Crozier on the NSW border closures;

- (4) Notice of Motion No. 386 standing in the name of Mr Davis on the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited and the High Capacity Metro construction; and
- (5) Notice of Motion No. 422 standing in the name of Mr Hayes concerning Sessional Order 8 and Standing Order 5.03 allowing new time limits for General Business.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

**12 CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS BILL 2020** — 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.

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Stitt 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, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 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 6.26 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 90 — Wednesday, 3 February 2021

**1** The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Public Health and Wellbeing Act 2008 — 10<sup>th</sup> Report to Parliament on the State of Emergency, under section 198(8A) of the Act.

**3 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Watt be a participating member of the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

**4 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following changes to Sessional Orders be adopted, to come into operation with immediate effect:

**1. Time limits — General Business**

Sessional Order 8 be rescinded and replaced with the following:

***General Business (Standing Order 5.07)***

Total time	90 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

**2. Time limits — Statements on reports, papers and petitions**

Sessional Order 6 be rescinded and replaced with the following:

***Statements on reports, papers and petitions (Standing Order 9.10)***

Total time	30 minutes ( <i>a Member with the call at the expiration of the total time will be permitted to complete their contribution</i> )
Each Member	5 minutes

**3. Committee of the whole — time limits**

Sessional Order 18 be rescinded.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 6 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — Mr Barton moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 28 calendar days of the House agreeing to this resolution, all documents detailing the design of the Multi Purpose Taxi Program trial, including, but not limited to all documents —
- (1) detailing the way in which trial participants were recruited, contacted and selected;
  - (2) detailing the results of the trial;
  - (3) detailing risk assessments conducted for the trial;
  - (4) relating to the impact assessments, both financial or otherwise, conducted for the trial; and
  - (5) relating to the consideration given to unintended consequences to services provided in the broader disability sector, in particular services provided by wheelchair accessible vehicles.

Debate ensued.

Question — put and agreed to.

- 7 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT THE BAR OF THE HOUSE** — Mr O'Donohue (for Mr Davis) moved, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —
- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
  - (2) the Hon Robert Redlich AM QC, IBAC Commissioner to attend at the Bar of the House on Wednesday, 17 February 2021, between 3.30 p.m. and 5.00 p.m.;
  - (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
  - (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Debate ensued.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Firearms regulation** — substantive question asked by Mr Quilty — response from Mr Leane due Friday, 5 February 2021.
- **Free kindergarten scheme** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 4 February 2021.
- **Free kindergarten scheme financial impacts** — substantive question asked by Dr Bach — response from Ms Stitt due Thursday, 4 February 2021.
- **Game Management Authority advice regarding duck hunting** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 5 February 2021.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT THE BAR OF THE HOUSE** — Debate continued on the question, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —

- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
- (2) the Hon Robert Redlich AM QC, IBAC Commissioner to attend at the Bar of the House on Wednesday, 17 February 2021, between 3.30 p.m. and 5.00 p.m.;
- (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
- (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Mr Atkinson moved, as an amendment, That all the words and expressions after “That this”, be **omitted** and the following be **inserted** in their place:

“House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Integrity and Oversight Committee to undertake an urgent inquiry into the adequacy of current and future funding of the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission (IBAC) and requires the Committee to —

- (1) hold and broadcast public hearings with —
  - (a) Ms Deborah Glass, Victorian Ombudsman;
  - (b) the Hon Robert Redlich AM QC, IBAC’s Commissioner;
- (2) report to the House by 30 March 2021;
- (3) advise on best practice models in other jurisdictions for the long-term funding of independent scrutiny agencies in such a way that they are not inhibited from conducting urgent and/or necessary investigations and inquiries; and
- (4) ensure that this inquiry takes precedence over other Committee matters.”.

Debate ensued.

Question — That the amendment moved by Mr Atkinson be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Mrs McArthur; Mr Meddick; Mr O’Donohue; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O’Donohue; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**11 CLOSURE OF THE BORDER WITH NEW SOUTH WALES** — Ms Crozier moved, That this House —

- (1) expresses concern at the Andrews Government's rushed decision on the afternoon of 31 December 2020 to shut the border between Victoria and New South Wales which caused confusion for Victorians; and
- (2) calls on the Andrews Government, in the interest of transparency, to release all expert health advice and any other advice in relation to the decision made on 31 December 2020 to close the border with New South Wales, including but not limited to the logistics of closing the border.

Debate ensued.

Question — put and agreed to.

**12 PRODUCTION OF DOCUMENTS — CRRC CHANGCHUN RAILWAY VEHICLES COMPANY LIMITED** — Mr Davis moved, That this House —

- (1) notes that —
  - (a) part of the Evolution Rail consortium awarded the contract to deliver the High Capacity Metro Trains is CRRC Changchun Railway Vehicles Company Limited, linked to the use of Uyghur slave labour;
  - (b) CRRC Changchun Railway Vehicles Company Limited is also part of the Chinese Government's Belt and Road Initiative;
  - (c) more than a million Uyghurs and members of other Turkic Muslim minorities have allegedly disappeared into a vast network of 're-education camps';
  - (d) factories in China are allegedly sourcing Uyghur workers from the 're-education camps' under a government-led labour transfer scheme;
  - (e) the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, confirmed on ABC radio on 5 October 2020, that she was aware of these allegations and has sought advice from the Department of Transport about whether they were true;
  - (f) the Minister for Transport Infrastructure said the advice received from the Department of Transport about these allegations were untrue and the Minister did not indicate that CRRC Changchun Railway Vehicles Company Limited was not using Uyghur slave labour in other contracts and constructions; and
- (2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before 12 noon, Wednesday, 4 November 2020, any advice received by the Minister for Transport Infrastructure from the Department of Transport, which she referred to in the ABC radio interview on 5 October 2020, relating to allegations that CRRC Changchun Railway Vehicles Company Limited were using Uyghur slave labour in the High Capacity Metro construction.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Leane.*

**13 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**14 ADJOURNMENT** — Mr Leane 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 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 91 — Thursday, 4 February 2021

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — ANNOUNCE THE 2021 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 2,244 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to announce a full season with a full bag limit for the 2021 duck hunting season as soon as possible.

Ordered to lie on the Table.

3 **PAPERS —**

**CHILDREN'S COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the Children's Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

\* \* \* \* \*

**COUNTY COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the County Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the Magistrates' Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

\* \* \* \* \*

**JUDICIAL COLLEGE OF VICTORIA REPORT, 2019-20** — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2019-20.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN GOVERNMENT REPORT 2020 — ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Report 2020 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE LEGAL AND SOCIAL ISSUES COMMITTEE INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD** — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into the closure of I Cook Foods Pty Ltd.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Coroners Court of Victoria — Report, 2019-20.

Court Services Victoria — Report, 2019-20.

Criminal Organisations Control Act 2012 — Report, 2019-20, under section 133 by Victoria Police.

Drugs, Poisons and Controlled Substances Act 1981 —

Minister's Notice of preparation of amendment to the Poisons Code, under section 12H of the Act.

Parts of the Commonwealth standard that the Poisons Code incorporates by reference, under section 12H of the Act.

Judicial Commission of Victoria — Report, 2019-20.

Office of Public Prosecutions — Report, 2019-20.

Professional Standards Council of Victoria — Report, 2019-20, together with an explanation for the delay.

Sentencing Advisory Council — Report, 2019-20.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2019-20.

Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to be published*).

Victorian Law Reform Commission — Report, 2019-20 (*Ordered to be published*).

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447 be postponed until later this day.

**6 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until further urgent consultation is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues."

Debate ensued.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Glen Eira heritage protection** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 8 February 2021.
- **Surrey Hills and Mont Albert Train Station merge** — substantive and supplementary questions asked by Dr Bach — response from Ms Pulford due Monday, 8 February 2021.
- **COVID-19 restrictions infringements** — substantive question asked by Ms Patten — response from Ms Symes due Friday, 5 February 2021.
- **Delays in jury trials** — substantive question asked by Mr O'Donohue — response from Ms Symes due Monday, 8 February 2021.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**9 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until further urgent consultation

is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues.”.

Amendments proposed to be moved in Committee by Dr Cumming were circulated.

Question — That the reasoned amendment moved by Mr O’Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmar; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O’Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 6

Mr Bourman; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time.

Mr O’Donohue moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by Wednesday, 31 March 2021, on the Change or Suppression (Conversion) Practices Prohibition Bill 2020, including but not limited to, an examination of the potential implications for Victorians of the December 2020 UK High Court decision in *Quincy Bell and A v Tavistock and Portman NHS Trust and others [2020] EWHC 3274 (Admin)*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended, and the House resolved to take a 30-minute meal break immediately.

*[Sitting suspended from 6.15 p.m. to 6.45 p.m.]*

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Symes 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.

Bill reported without amendment, the Report was adopted.

Ms Symes 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, 27

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Ms Lovell; Mr Meddick; Mr Melhem; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 9

Mr Bourman; Dr Cumming; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mrs McArthur; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 10 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 February 2021.

Question — put and agreed to.

- 11 SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to repeal offences relating to public drunkenness, to make consequential amendments to the Bail Act 1977 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 12 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to further provide for the duties, functions and powers of the Victorian Institute of Teaching in relation to the approval of a program or course of study that leads to qualifying as a teacher, to amend the process for investigating the conduct, competence and fitness to teach of teachers and early childhood teachers, to make amendments in relation to teacher registration, to further provide for the disclosure and collection of information, to amend the Minister's powers to issue policies, guidelines or directions to the Victorian Institute of Teaching, to make consequential and other minor amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt 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.

- 13 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for a provisional payments scheme for workplace mental injuries, to make corresponding and consequential amendments to the Accident Compensation Act 1985 and certain Acts that provide for personal injury compensation for volunteers, and to make other minor and technical amendments, and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Stitt 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 Stitt, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Stitt moved, That the Bill be now read a second time.

Ms Stitt made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 14 ADJOURNMENT** — Ms Stitt 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 11.19 p.m., adjourned until Tuesday, 16 February 2021.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 89, 90 and 91

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### **PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020**

*Committed Tuesday, 2 February 2021*

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

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### **CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020**

*Committed Thursday, 4 February 2021*

*Amendments circulated: Mr Bourman (p. 678), Dr Cumming (pp. 678-9), Mr O'Donohue (p. 679)*

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — Dr Cumming moved Amendment Nos. 1 and 2 — put and negatived.

Clause 2 — put and agreed to.

**Clause 3** — Dr Cumming moved Amendment Nos. 3 and 4 — put and negatived.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Clause 5** — Dr Cumming moved Amendment No. 5 — put and negatived.

Mr Bourman moved Amendment No. 1.

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; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr O'Donohue moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Dr Cumming moved Amendment No. 6 — put and negatived.

Mr O'Donohue moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr O'Donohue moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Mr Atkinson; Dr Bach; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*



NOES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmár; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 66** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020**Amendments circulated by Mr Bourman

1. Clause 5, line 4, omit ", whether with or".

Amendments circulated by Dr Cumming

1. Clause 2, omit this clause.

## NEW CLAUSE

2. Insert the following New Clause before clause 3—

**"2 Commencement**

This Act comes into operation on the day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent."

3. Clause 3, omit this clause.

## NEW CLAUSE

4. Insert the following New Clause before clause 4—

**"3 Objects of this Act**

(1) The objects of this Act are—

(a) to affirm that—

(i) all people have characteristics of sexuality and gender identity; and

(ii) no combination of those characteristics constitutes a disorder, disease, illness, deficiency, disability or shortcoming; and

(b) to recognise and prevent the harm caused by sexuality and gender identity conversion practices."

5. Clause 5, line 3, before "practice" insert "harmful".

6. Clause 5, page 8, lines 9 to 20, omit subclause (3).

7. Clause 24, lines 4 and 5, omit "affected by a change or suppression practice, or any other person," and insert "directly affected by a change or suppression practice, or their parent or guardian,".

8. Clause 59, lines 8 to 15, omit all words and expressions on these lines and insert—

**"gender identity** means each person's deeply felt and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms;".

9. Clause 59, page 39, lines 30 to 32 and page 40, lines 1 and 2, omit all words and expressions on these lines and insert—

**"sexual orientation** means each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender;".

10. Clause 61, after line 23, insert—

**"197A Reports and investigations not to be retrospective**

A report or investigation under the **Change or Suppression (Conversion Practices) Prohibition Act 2020** must not relate to conduct engaged before the commencement day."

**Amendments circulated by Mr O'Donohue**

1. Clause 1, page 2, lines 8 and 9, omit subparagraph (iii).
2. Clause 4, lines 29 and 30, omit all words and expressions on these lines.
3. Clause 4, page 5, lines 7 and 8, omit all words and expressions on these lines.
4. Clause 4, page 5, lines 26 and 27, omit all words and expressions on these lines.
5. Clause 5, page 8, line 4 omit "necessary " and insert "clinically appropriate".
6. Clause 5, page 8, lines 11 to 14, omit paragraph (a).
7. Clause 5, page 8, after line 23 insert—

"(5) For the purposes of sub-section (1), a change or suppression practice does not include a practice or conduct that is directed by a person, including a parent, towards a member of the person's family, if the member of the person's family—

  - (a) is under 18 years of age; or
  - (b) has impaired cognitive capacity."
8. Clause 32, omit this clause.
9. Clause 33, omit this clause.
10. Division heading before clause 34, omit this heading.
11. Clause 34, omit this clause.
12. Clause 35, omit this clause.
13. Clause 36, omit this clause.
14. Clause 37, omit this clause.
15. Clause 38, omit this clause.
16. Clause 39, omit this clause.
17. Clause 40, omit this clause.
18. Clause 41, omit this clause.
19. Clause 42, omit this clause.
20. Clause 43, omit this clause
21. Clause 44, omit this clause.
22. Clause 45, omit this clause.
23. Clause 46, omit this clause
24. Clause 48, omit this clause.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 92, 93 and 94

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#### No. 92 — Tuesday, 16 February 2021

- 1 The President took the Chair at 11.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur this week —
  1. **Sitting of the House this week**

The Council will meet on the following days and at the following times this week —

    - (a) Tuesday at 11.00 a.m.;
    - (b) Thursday at 9.45 a.m.; and
    - (c) Friday at 9.15 a.m..
  2. **Order of Business**
    - (1) The Order of Business on Thursday will be that outlined in Sessional Order 4 and is as follows —
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - General Business
      - At 12 noon** Questions
      - Answers to Questions on Notice
      - General Business (until 5.15 p.m.)
      - At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
      - Government Business (maximum 60 minutes)
      - At 6.45 p.m.** Adjournment (up to 20 Members).
    - (2) The Order of Business on Friday will be that outlined in Standing Order 5.02(4) and is as follows —
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - Government Business
      - At 12 noon** Questions
      - Answers to Questions on Notice
      - Government Business (continues)
      - At 10.00 p.m.** Adjournment (up to 20 Members).

Debate ensued.

Question — put and agreed to.

**3 ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly:

On 9 February 2021 —

*Consumer and Other Acts Miscellaneous Amendments Act 2021*

*Public Health and Wellbeing Amendment Act 2021*

On 16 February 2021 —

*Change or Suppression (Conversion) Practices Prohibition Act 2021.*

**4 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**COVID-19 LOCKDOWN — SUPPORT FOR REGIONAL BUSINESSES** — Ms Pulford having given answers to a question without notice and supplementary question relating to support for regional businesses as a result of the COVID-19 lockdown —

On the motion of Ms Bath, 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:

- **COVID-19 testing result delays** — substantive question asked by Ms Crozier — response from Ms Symes due Wednesday, 17 February 2021.
- **Commercial passenger vehicle data collection** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 18 February 2021.
- **Stalking laws review** — substantive question asked by Ms Maxwell — response from Ms Symes due Wednesday, 17 February 2021.
- **COVID-19 lockdown – support for regional businesses** — supplementary question asked by Ms Bath — response from Ms Pulford due Thursday, 18 February 2021.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PETITIONS** —

**REJECT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Change or Suppression (Conversion) Practices Prohibition Bill 2020.

Ordered to lie on the Table.

\* \* \* \* \*

**HALT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 2,931 signatures from certain citizens of Victoria requesting that the Legislative Council immediately halt the Change or Suppression (Conversion) Practices Prohibition Bill 2020 and that faith communities be consulted.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**AMBULANCE SERVICES IN SEYMOUR** — Ms Maxwell presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restore on-call ambulance services in Seymour, in addition to their current resourcing.

Ordered to lie on the Table.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 2 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION OF PROTECTED DISCLOSURE COMPLAINTS REGARDING THE FORMER PRINCIPAL OF A VICTORIAN PUBLIC SCHOOL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Acting Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school, February 2021.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 140/2020 and 141/2020 (*Gazette No. G5, 4 February 2021*).

Notice pursuant to section 32(4) in relation to Statutory Rule No. 135/2019 (*Gazette No. G3, 21 January 2021*).

Judicial College of Victoria — Minister's report of receipt of the 2019-20 report.

Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on the Inquiry into the conduct of the 2018 Victorian State election.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendments C168 and C178.

Brimbank Planning Scheme — Amendment C213.

Buloke Planning Scheme — Amendment C39.

Corangamite Planning Scheme — Amendment C48.

Greater Bendigo Planning Scheme — Amendment C257.

Greater Geelong Planning Scheme — Amendment C401.

Melton Planning Scheme — Amendment C207.

Moreland Planning Scheme — Amendment C199.

Mount Alexander Planning Scheme — Amendment C92.

Queenscliffe Planning Scheme — Amendment C30.

Southern Grampians Planning Scheme — Amendment C55.

Stonnington Planning Scheme — Amendment C272.

Wyndham Planning Scheme — Amendment C254.

Yarra Planning Scheme — Amendment C245.

Statutory Rules under the following Acts of Parliament —

Conservation, Forests and Lands Act 1987 — No. 6.

Owner Drivers and Forestry Contractors Act 2005 — No. 4.

Professional Engineers Registration Act 2019 — No. 5.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 144/2020, 3/2021, 4/2021 and 6/2021.

**8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Thursday, 18 February 2021 —

- (1) the notice of motion given this day by Mr Davis referring a matter to the Economy and Infrastructure Committee relating to the impact of the COVID-19 pandemic on the tourism and events sectors;
- (2) the notice of motion given this day by Mr Barton referring a matter to the Economy and Infrastructure Committee relating to the Multi Purpose Taxi Program;
- (3) the notice of motion given this day by Ms Crozier on the production of documents relating to the auditing of hotels used in the current hotel quarantine program; and
- (4) the notice of motion given this day by Mr Davis on support for licenced small businesses.

Question — put and agreed to.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.
- 11 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
 Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 12 OWNERS CORPORATIONS AND OTHER ACTS 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 Mr Leane and Dr Ratnam 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 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 6.43 p.m., adjourned until Thursday, 18 February 2021.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 93 — Thursday, 18 February 2021

- 1** The President took the Chair at 9.50 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Sonya Kilkenny resigning from the Scrutiny of Acts and Regulations Committee, effective from Wednesday, 17 February 2021.  
 Ms Symes moved, by leave, That Ms Watt be a member of the Scrutiny of Acts and Regulations Committee.  
 Question — put and agreed to.
- 3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
 Auditor-General's Report on Grants to the Migrant Workers Centre, February 2021 (*Ordered to be published*).  
 Family Violence Protection Act 2008 — Report on the implementation of the Family Violence Risk Assessment and Management Framework, 2019-20.  
 Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.



Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Metropolitan Waste and Resource Recovery Group — Report, 2019-20.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 149/2020 and 5/2021.

**4 ECONOMY AND INFRASTRUCTURE COMMITTEE — TABLING OUT OF SESSION — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Erdogan moved, by leave, That if the Economy and Infrastructure Committee proposes to transmit a report for the Inquiry into the increase in Victoria's road toll to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —

- (1) the Clerk must —
  - (a) as soon as practicable after the report is received —
    - (i) give a copy of the report to each member of the House;
    - (ii) cause the report to be published on the Tabled Documents Database and the Committee's website;
  - (b) cause the report to be tabled in the House on the next sitting day of the House; and
- (2) the report will be taken to be published by authority of the House.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — IMPACT OF THE COVID-19 PANDEMIC ON THE TOURISM AND EVENTS SECTORS** — Mr Davis moved, by leave, in an amended form, That this House —

- (1) notes —
  - (a) that prior to the COVID-19 pandemic, tourism contributed to 6.5 per cent of the Victorian economy, supporting 263,000 direct and indirect jobs, comprising 7.8 per cent of Victoria's employment, 142,300 jobs in Melbourne and 110,000 in regional Victoria;
  - (b) the severe impact of the COVID-19 pandemic on the tourism industry, including Victoria's second wave, driven by the closure of international and state borders and the severe restrictions on movement imposed by Victorian public health orders;
  - (c) that the COVID-19 pandemic has seen Victoria's visitor economy haemorrhage almost \$2.5 billion per month and is projected to shed 85,300 jobs by September 2021;
- (2) recognises that the more than \$10 billion annual Victorian events sector is a major sector in its own right and is vital to supporting tourism through central city events, regional events and festivals and business events, which importantly drives visitation into Melbourne and regional areas in the off-peak and shoulder seasons and has been severely impacted by the COVID-19 restrictions, including the impact of snap border closures on consumer confidence levels;
- (3) further notes that a number of businesses within the sector have had trouble accessing State Government support and that the many sole traders within the tourism and events sector have received inadequate State Government support;
- (4) further notes that additional State Government support should be urgently provided to tourism and events industry businesses; and
- (5) requires the Economy and Infrastructure Committee to inquire into, hold public hearings in Melbourne and regional Victoria to identify key issues and areas of concern, and report by 30 June 2021, on the impact of the COVID-19 pandemic on the tourism and events sectors and provide recommendations for State Government support measures that will restore the tourism and events sectors to their critical role in the Victorian economy and restore lost jobs.

Debate ensued.

Question — put and agreed to.

**7 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — MULTI PURPOSE TAXI PROGRAM** — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
- (2) the consideration of a mandatory maximum fare rate across all MPTP work;
- (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
- (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
- (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
- (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders.

*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.

**WORKSAFE — HOTEL QUARANTINE** — Ms Stitt having given answers to a question without notice and supplementary question relating to Worksafe and hotel quarantine —

On the motion of Mr O'Donohue, 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.

**AUDITOR-GENERAL'S REPORT ON GRANTS TO THE MIGRANT WORKERS CENTRE** — Ms Symes having given answers to a question without notice and supplementary question relating to the Auditor-General's Report on Grants to the Migrant Workers Centre —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Social housing in regional Victoria** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 22 February 2021.
- **Duck shooting bag limit** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 22 February 2021.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**10 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — MULTI PURPOSE TAXI PROGRAM** — Debate continued on the question, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
- (2) the consideration of a mandatory maximum fare rate across all MPTP work;
- (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
- (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
- (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
- (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders.

Ms Terpstra moved, as amendments, That —

1. In paragraph (6) **omit** “stakeholders.” and **insert** “stakeholders;”.
2. After paragraph (6) **insert**:
  - “(7) an assessment of the impact of the expansion on MPTP clients, taking into account feedback on the expansion from Victorians living with disability and the disability sector.”.

Debate ensued.

Question — That the amendments moved by Ms Terpstra be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
  - (2) the consideration of a mandatory maximum fare rate across all MPTP work;
  - (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
  - (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
  - (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
  - (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders;
  - (7) an assessment of the impact of the expansion on MPTP clients, taking into account feedback on the expansion from Victorians living with disability and the disability sector
- put and agreed to.

**11 OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**12 PRODUCTION OF DOCUMENTS — AUDITING HOTELS USED IN THE HOTEL QUARANTINE PROGRAM** — Ms Crozier moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all documents and information relating to the auditing of hotels used in the hotel quarantine program.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — put and agreed to.

**13 SUPPORT FOR SMALL LICENSED BUSINESSES** — Mr Finn (for Mr Davis) moved, That this House —

- (1) expresses concern at the State Government’s mismanagement of support programs for small licenced businesses, noting that at least 293 businesses were incorrectly paid and have been ordered to swiftly repay the department despite serious impacts on the viability of these small businesses resulting from COVID-19 restrictions;
- (2) calls on the Minister for Industry Support and Recovery, the Hon Martin Pakula MP, and the Minister for Small Business, the Hon Jaala Pulford MLC, to urgently meet with representatives of these impacted businesses; and
- (3) given the purpose of these grants is to support vulnerable businesses facing severe impacts caused by the COVID-19 crisis, further calls on the Government to pause their harsh claw back until these meetings have occurred at which point the Government would be in a position to craft a fairer regime.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 16 February 2021, the debate stood adjourned in the name of Mr Finn.*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.31 p.m., adjourned until tomorrow.

ANNE SARGENT  
*Acting Clerk of the Legislative Council*

## No. 94 — Friday, 19 February 2021

1 The President took the Chair at 9.20 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Municipal Association of Victoria — Report, 2019-20.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2017-18 and 2018-19 financial and performance outcomes.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine, Alpine Resorts, Ararat, Ballarat, Banyule, Bass Coast, Baw Baw, Bayside, Benalla, Boroondara, Brimbank, Buloke, Campaspe, Cardinia, Casey, Central Goldfields, Colac Otway, Corangamite, Darebin, East Gippsland, Frankston, French Island and Sandstone Island, Gannawarra, Glen Eira, Glenelg, Golden Plains, Greater Bendigo, Greater Dandenong, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Hobsons Bay, Horsham, Hume, Indigo, Kingston, Knox, Latrobe, Loddon, Macedon Ranges, Manningham, Mansfield, Maribyrnong, Maroondah, Melbourne, Melton, Mildura, Mitchell, Moira, Monash, Moonee Valley, Moorabool, Moreland, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Nillumbik, Northern Grampians, Port of Melbourne, Port Phillip, Pyrenees, Queenscliffe, South Gippsland, Southern Grampians, Stonnington, Strathbogie, Surf Coast, Swan Hill, Towong, Wangaratta, Warrnambool, Wellington, West Wimmera, Whitehorse, Whittlesea, Wodonga, Wyndham, Yarra, Yarra Ranges, Yarriambiack Planning Schemes — Amendment GC175.

Cardinia Planning Scheme — Amendment C249.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 8 and 9.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

5 **SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until —

- (1) further consultation is undertaken with primary stakeholders, particularly The Police Association of Victoria, Ambulance Victoria and relevant health service providers;
- (2) a comprehensive, fully developed and funded support program to deal with alcohol affected individuals is agreed to by all stakeholders and is established and ready to operate; and

- (3) community safety concerns are addressed including the implementation of alternative police powers to manage public drunkenness.”.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

- 6 QUESTIONS AND MINISTERS’ STATEMENTS** — Questions without notice were taken and Ministers’ Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Duck hunting season** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 23 February 2021.
- **Worksafe investigation power** — supplementary question asked by Mr O’Donohue — response from Ms Stitt due Tuesday, 23 February 2021.
- **Worksafe hotel quarantine inspections** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Stitt due Monday, 22 February 2021.
- **COVID-19 five-day lockdown** — supplementary question asked by Mr Limbrick — response from Ms Symes due Monday, 22 February 2021.

- 7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 8 MESSAGE FROM ASSEMBLY — SPECIAL SITTING** — The President read a Message from the Assembly inviting members of the Legislative Council to attend an Assembly sitting at the Royal Exhibition Buildings, Melbourne on Tuesday 2 March 2021 at 10.00 am to hear addresses by the Chair of the Royal Commission into Victoria’s Mental Health System Penny Armytage AM, Professor Patrick McGorry AO and members of the Victorian community with lived experience of mental illness.

- 9 SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS)**

**BILL 2020** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O’Donohue*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until —

- (1) further consultation is undertaken with primary stakeholders, particularly The Police Association of Victoria, Ambulance Victoria and relevant health service providers;
- (2) a comprehensive, fully developed and funded support program to deal with alcohol affected individuals is agreed to by all stakeholders and is established and ready to operate; and
- (3) community safety concerns are addressed including the implementation of alternative police powers to manage public drunkenness.”.

Question — That the reasoned amendment moved by Mr O’Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 9

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mr O’Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 9

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

- 10 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 March 2021 at 12.00 noon.

Question — put and agreed to.

- 11 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.

- 12 CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975 to constrain the power of the Parliament to make laws repealing, altering or varying certain provisions that prohibit hydraulic fracturing and coal seam gas exploration and mining and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.

- 13 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — The Acting 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 state of emergency declarations in respect of the COVID-19 pandemic and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.

Mr Davis moved, That the debate be adjourned until the Bill has been considered by the Legal and Social Issues Committee, and the Committee has held a hearing or hearings, taken evidence and reported by Tuesday, 2 March 2021, on the suitability of repeated long-term

extensions to the State of Emergency and whether directions made under the *Public Health and Wellbeing Act 2008* that relate to hotel quarantine, or other COVID-19 specific public health measures, might more suitably be supported by legislation specifically relating to hotel quarantine or those measures.

Debate ensued.

Ms Symes moved, as an amendment, That all the words after “That” be **omitted** and replaced with the words “debate on this Bill be adjourned for one week.”.

Question — That the amendment moved by Ms Symes be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the motion, amended as follows, be agreed to — That debate on this Bill be adjourned for one week — put and agreed to.

- 14 SPENT CONVICTIONS BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a scheme for certain convictions to become spent in Victoria and non-disclosable on a person's criminal record unless in specific circumstances, to consequentially amend the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 O'Donohue), the debate was adjourned for one week.

- 15 ADJOURNMENT** — Ms Symes 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 6.30 p.m., adjourned until Tuesday, 2 March 2021.

ANNE SARGENT

*Acting Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 92, 93 and 94

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### WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020

*Committed Tuesday, 16 February 2021*

**Clauses 1 to 57** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

*Committed Tuesday, 16 February 2021*

*Amendments circulated: Mr Leane (p. 674), Dr Ratnam (p. 675)*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Leane moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Leane moved Amendment No. 2 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 8** — put and agreed to.

**Clause 9** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 28** — put and agreed to.

**New Clause** — Dr Ratnam moved Amendment No. 2.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 29 to 34** — put and agreed to.

**Clause 35** — Dr Ratnam moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 35** — Mr Leane moved Amendment No. 3 — put and agreed to.

Clause 35, as amended — put and agreed to.

**Clauses 36 to 57** — put and agreed to.

**Clause 58** — Dr Ratnam moved Amendment Nos. 5 and 6 — put and negated.

Clause 58 — put and agreed to.

**Clauses 59 to 83** — put and agreed to.

**New Clause** — Mr Leane moved Amendment No. 4.

Question — That the New Clause stands part of the Bill — put and agreed to.

**Clause 84** — Mr Leane moved Amendment No. 5 — put and agreed to.

Clause 84, as amended — put and agreed to.

**Clauses 85 to 92** — put and agreed to.

**Clause 93** — Mr Leane moved Amendment No. 6 — put and agreed to.  
Clause 93, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS)  
BILL 2020**

*Committed Friday, 19 February 2021*

**Clauses 1 to 14** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

#### Amendments circulated by Mr Leane

1. Clause 2, line 26, omit "January" and insert "December".
2. Clause 3, after line 8 insert—

**"hotel and resort management contract** means, in relation to a hotel, resort or serviced apartment complex on land affected by an owners corporation—

- (a) a letting agreement to provide an on-site letting manager (being a manager who lives at the hotel, resort or serviced apartment complex who manages letting of accommodation at the hotel, resort or complex); or
- (b) a common property agreement (including but not limited to a lease or a licence) to use common property for the purposes of—
  - (i) operating an on-site letting business at the hotel, resort or serviced apartment complex; or

#### **Example**

Office, storage area or reception area.

- (ii) providing caretaking services at the hotel, resort or serviced apartment complex; or
- (c) a building maintenance or facilities management agreement to provide caretaking services at the hotel, resort or serviced apartment complex; or
- (d) any prescribed agreement or prescribed class of agreement relating to the management of a hotel, resort or serviced apartment complex by a third party;".

3. Clause 35, line 34, after "duration" insert ", unless the term is in a contract that is a hotel and resort management contract that complies with the prescribed requirements (if any)".

#### NEW CLAUSE

4. After clause 83 insert the following New Clause:

#### **'83A Regulations**

After section 204(1)(db) of the **Owners Corporations Act 2006** insert—

- "(dc) prescribing for the purposes of section 67B(2) requirements for or in relation to hotel and resort management contracts or classes of hotel and resort management contracts, including but not limited to—
- (i) restricting the duration of those contracts;
  - (ii) limiting or placing parameters on fees and charges under those contracts or increases on those fees and charges;
  - (iii) prohibiting or regulating the inclusion of specified terms or conditions in those contracts;".

5. Clause 84, page 71, line 1, omit "January" and insert "December".
6. Clause 93, line 3, omit "January" and insert "December".

Amendments circulated by Dr Ratnam

1. Clause 9, lines 10 to 23, omit all words and expressions on these lines and insert—  

'An owners corporation may commence any legal proceeding if authorised to do so by ordinary resolution.'.

2. Insert the following New Clause to follow clause 28—

**'28A New section 52A inserted**

After section 52 of the **Owners Corporations Act 2006** insert—

**"52A Alteration to common property in relation to sustainability items only requires ordinary resolution**

- (1) Despite section 52 and any other provision of this Act, an owners corporation may by ordinary resolution approve the purchase and installation of sustainability items on the common property and the levying of fees on lot owners for that purpose.
- (2) Subject to subsection (3), the fees must be based on lot liability.
- (3) Fees for the purchase and installation of sustainability items carried out wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation must be levied on the basis that the lot owner of the lot that benefits more pays more.
- (4) In this section—

**sustainability item** means any thing that eliminates or reduces a reliance on non-sustainable energy sources and includes—

- (a) a solar hot water system; and
- (b) solar energy panels; and
- (c) a roof with colours having a particular solar absorption value and
- (d) a battery energy storage system.'.

3. Clause 35, line 30, after "appointment" insert "of a third party manager".
4. Clause 35, lines 31 and 32, omit "and benefits the applicant for registration".
5. Clause 58, page 49, line 23, omit 'value.' and insert "value; and".
6. Clause 58, page 49, after line 23 insert—  

'(d) a battery energy storage system.'.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 95, 96 and 97

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#### No. 95 — Tuesday, 2 March 2021

- 1 The President took the Chair at 12.06 p.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly:

On 23 February 2021 —

*Owners Corporations and Other Acts Amendment Act 2021*

*Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Act 2021*

On 2 March 2021 —

*Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021.*

- 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Access to VicRoads registration details by petrol retailers** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Thursday, 4 March 2021.
- **Bright hospital redevelopment** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 4 March 2021.
- **Cryptocurrency usage in Victoria** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 4 March 2021.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 5 **PETITIONS** —

**NO SECONDARY LEAD SMELTER IN HAZELWOOD NORTH** — Ms Bath presented a Petition bearing 2,355 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke the planning approval for the Used Lead Acid Battery recycling facility in Hazelwood North and prioritise the health, safety and wellbeing of Hazelwood North residents and the Latrobe Valley community, honouring their Health Innovation Zone commitment.

Ordered to lie on the Table.

**VOTE AGAINST THE PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — Mr Limbrick presented a Petition bearing 7,626 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021.

Ordered to lie on the Table.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 3 of 2021 (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.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Australian Children's Education and Care Quality Authority — Report, 2019-20.

Commissioner for Environmental Sustainability Victoria — Strategic Audit: Implementation of environmental management systems in Victorian Government, 2019-20.

Education and Care Services National Law Act 2010 — National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman — Report, 2019-20.

Family Violence and Protection Act 2008 — Evaluation of the Amendment to Section 31 of the *Family Violence Protection Act 2008* (Vic) — Family Violence Safety Notices, Final Report, February 2021, under section 230A of the Act.

Inquiries Act 2014 — Royal Commission into Victoria's Mental Health System, Final Report (six documents) (*Ordered to be published*).

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contribution Levies — Report, 2019-20, under section 46GZJ of the Act.

Notices of Approval of the following amendments to planning schemes —

Glen Eira Planning Scheme — Amendment C222.

Greater Geelong Planning Scheme — Amendment C366.

Melton Planning Scheme — Amendments C216 and C226.

Moyne Planning Scheme — Amendment C73.

Victoria Planning Provisions — Amendment V10.

Statutory Rules under the following Acts of Parliament —

Occupational Health and Safety Act 2004 — No. 8.

Subordinate Legislation Act 1994 — No. 7.

Victims of Crime Assistance Act 1996 — No. 9.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 7.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 1/2021, effective 1 May 2021, under section 36 of the Act.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S69, 12 February 2021*).

## 7 BUSINESS OF THE COUNCIL

— Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 March 2021 —

- (1) the notice of motion given this day by Mr Davis to revoke, in part, Amendment VC190 to the Victoria Planning Provisions;
- (2) Notice of Motion No. 502 standing in the name of Mr Meddick on companion animals in family violence;



- (3) the notice of motion given this day by Mr Meddick on the production of documents relating to the decision to kill kangaroos for human consumption;
- (4) the notice of motion given this day by Mr Davis on the impact of COVID-19 on small retail and other businesses in Melbourne's strip shopping centres; and
- (5) the notice of motion given this day by Mr O'Donohue on investigating the occupational health and safety risks and corresponding responsibilities for duty holders within the Hotel Quarantine Program.

Question — put and agreed to.

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Ms Lovell be a participating member of the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

- 11 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis and Ms Symes were circulated.

*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.]*

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

- 12 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — The Acting Clerk laid on the Table a letter from the Attorney-General, dated 2 March 2021, in response to the Resolution of the Council of 3 February 2021 (on the motion of Mr Barton), relating to the Multi Purpose Taxi Program trial, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

- 13 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Symes 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, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**14 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 11.23 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 96 — Wednesday, 3 March 2021

- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
  - Duties Act 2000 — Treasurer's Report for 1 July to 31 December 2020 of Foreign Purchaser Additional Duty Exemptions under section 3E of the Act.
  - Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Interim Report on the Inquiry into the Victorian Government's response to the COVID-19 pandemic.
  - Public Health and Wellbeing Act 2008 — 11<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency, under section 198(8A) of the Act.
  - Subordinate Legislation Act 1994 — Legislative instruments and related documents under section 16B in respect of Service Victoria Identity Verification Standards of 23 February 2021 under the Service Victoria Act 2018.
  - Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, July to December 2020.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
- 4 **REVOCATION OF PLANNING SCHEME AMENDMENT VC190** — Mr Davis moved, That this House —
  - (1) notes that —
    - (a) the Minister for Energy, Environment and Climate Change, on 12 November 2020 approved, and on 8 December 2020 tabled, Amendment VC190 to the Victoria Planning Provisions (VPP);

- (b) the changes to the VPP and all planning schemes in Victoria include introducing a new particular provision, Victoria's Big Housing Build at Clause 52.20;
  - (c) Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Clause 52.20 of Amendment VC190 to the Victoria Planning Provisions.

Debate ensued.

Dr Bach moved, as amendments, That —

1. In paragraph (1)(a) **omit** "Amendment" and **insert** "Amendments VC187 and" in its place.
2. **Omit** all the words in paragraph (1)(b) and replace them with:  
"the changes to the VPP and all planning schemes in Victoria made by VC187 include a new provision at clause 53.20 to facilitate the planning permit process for housing projects by or on behalf of the Director of Housing and the modification to clause 72.01 specifies circumstances where an application assessed under the new clause 53 is determined by the Minister where there is an application to develop more than 10 dwellings, construct or extend an apartment development, or construct or extend a dwelling in or forming part of an apartment development;"
3. **Omit** all the words in paragraph (1)(c) and replace them with:  
"the changes to the VPP and all planning schemes in Victoria made by VC190 include introducing a new particular provision, Victoria's Big Housing Build at clause 52.20 which expedites the planning assessment and approval process for large scale social and affordable housing projects and amending clause 72.01 to specify the Minister as the responsible authority for the use and development of land that clause 52.20 applies to; and"
4. In paragraph (2) **omit** "Clause 52.20 of Amendment" and **insert** "Amendments VC187 and".

Debate ensued.

Question — That the amendments moved by Dr Bach be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**5 COMPANION ANIMALS IN FAMILY VIOLENCE** — Mr Meddick moved, That this House —

- (1) recognises that —
  - (a) animal abuse is a form of family violence (FV);
  - (b) in the context of FV, animals are vulnerable individuals;
  - (c) in our society, companion animals are considered family members;
  - (d) in our laws, companion animals are considered property;
- (2) notes that while some of the legal frameworks around FV are silent on companion animals, the Government is continuing to embed practices to protect companion animals in the application of these laws and the delivery of service;
- (3) calls on the Government to consider —
  - (a) financial assistance to support victim survivors of FV, including for the care of animals;
  - (b) advocacy to the federal Government to include companion animals as victims of FV for the purposes of FV leave;
- (4) further calls on the Government to ensure that —
  - (a) a review of the *Family Violence Protection Act 2008* is undertaken to develop amendments to recognise that companion animals are affected by FV and require protection;
  - (b) in the context of paragraph (4)(a), policy options are developed to enable companion animals to be placed in the care of either the victim survivor or other appropriate carers to protect their best interests;
  - (c) the knowledge base about the abuse of animals in the context of FV continues to be built and embedded at all levels of society; and
  - (d) FV service providers are supported to implement risk assessment frameworks which identify the necessary risk management responses for women, children and animals, enabling them all to live safely without violence.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**I COOK FOODS ALLEGATIONS** — Mr Leane having given answers to a question without notice and supplementary question relating to I Cook Foods allegations —

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 an answer to a question on notice was 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:

- **Gippsland native timber protestors** — substantive and supplementary questions asked by Ms Bath — response from Ms Stitt due Friday, 5 March 2021.
- **Uber passenger safety** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 5 March 2021.
- **TAFE financial audits** — supplementary question asked by Dr Bach — response from Ms Tierney due Thursday, 4 March 2021.
- **Firewood collection** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Friday, 5 March 2021.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.**8 COMPANION ANIMALS IN FAMILY VIOLENCE** — Debate continued on the question, That this House —

- (1) recognises that —
  - (a) animal abuse is a form of family violence (FV);

- (b) in the context of FV, animals are vulnerable individuals;
  - (c) in our society, companion animals are considered family members;
  - (d) in our laws, companion animals are considered property;
- (2) notes that while some of the legal frameworks around FV are silent on companion animals, the Government is continuing to embed practices to protect companion animals in the application of these laws and the delivery of service;
- (3) calls on the Government to consider —
- (a) financial assistance to support victim survivors of FV, including for the care of animals;
  - (b) advocacy to the federal Government to include companion animals as victims of FV for the purposes of FV leave;
- (4) further calls on the Government to ensure that —
- (a) a review of the *Family Violence Protection Act 2008* is undertaken to develop amendments to recognise that companion animals are affected by FV and require protection;
  - (b) in the context of paragraph (4)(a), policy options are developed to enable companion animals to be placed in the care of either the victim survivor or other appropriate carers to protect their best interests;
  - (c) the knowledge base about the abuse of animals in the context of FV continues to be built and embedded at all levels of society; and
  - (d) FV service providers are supported to implement risk assessment frameworks which identify the necessary risk management responses for women, children and animals, enabling them all to live safely without violence.

Question — put and agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 508, be postponed until later this day.

**10 IMPACT OF COVID-19 ON SMALL BUSINESSES IN STRIP SHOPPING CENTRES** — Mr Finn (for Mr Davis) moved, That this House —

- (1) notes the devastating impact of the COVID-19 pandemic on small retail and other businesses in strip shopping centres in metropolitan Melbourne, and in particular central Melbourne;
- (2) calls on the Andrews Labor Government to urgently release —
  - (a) a package of measures to support Melbourne's central business district, particularly businesses and jobs in the retail and hospitality sectors; and
  - (b) a support package to prevent further decline in metropolitan strip shopping centres and revive these centres as local community activity and employment districts.

Debate ensued.

Question — put and agreed to.

**11 HOTEL QUARANTINE PROGRAM — OCCUPATIONAL HEALTH AND SAFETY** —

Mr O'Donohue moved, That this House calls on the Minister for Workplace Safety, the Hon Ingrid Stitt MLC, to exercise her power, confirmed in section 7(1)(a) of the *Occupational Health and Safety Act 2004*, to direct WorkSafe Victoria to —

- (1) conduct an urgent investigation into all occupational health and safety risks and corresponding responsibilities for duty holders within the Hotel Quarantine Program managed by COVID-19 Quarantine Victoria and its predecessors with responsibility for hotel quarantine;
- (2) ensure the report includes details of the health and safety risks and corresponding responsibilities for duty holders;
- (3) complete the inquiry and present a Report to the Minister for Workplace Safety by 31 May 2021; and
- (4) cause the Report to be tabled in the Council on the next sitting day after it has been received from WorkSafe Victoria.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —*

- 12 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 13 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — 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.
- 14 ADJOURNMENT** — Mr Leane 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 6.05 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 97 — Thursday, 4 March 2021

- 1** The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Lizzie Blandthorn resigning from the Electoral Matters Committee, effective from Wednesday, 3 March 2021.  
Ms Symes moved, by leave, That Mr Erdogan be a member of the Electoral Matters Committee.  
Question — put and agreed to.
- 3 PETITION — FREEDOM OF THE PRESS** — Dr Cumming presented a Petition bearing 1,318 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to defend and strengthen freedom of the press in Victoria and to guarantee that journalists are free to attend press conferences without political or police interference.  
Ordered to lie on the Table.  
On the motion of Dr Cumming, the petition was ordered to be taken into consideration on the next day of meeting.
- 4 HOUSING AMENDMENT (ENDING HOMELESSNESS) BILL 2021** — Dr Ratnam introduced *A Bill for an Act to amend the Housing Act 1983 in relation to the development of a plan to end homelessness and the imposition of requirements relating to the provision of housing and for other purposes.*  
On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 5 PAPERS —**  
**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO HOMELESSNESS IN VICTORIA** — Pursuant to Standing Order 23.29, Ms Patten laid on the Table the Final report from the Legal and Social Issues Committee on the Inquiry into homelessness in Victoria (including Appendices), and further presented Transcripts of Evidence and a Summary booklet.  
Ordered that the Transcripts of Evidence lie on the Table and the Final report and Summary booklet be published.  
Ms Patten moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Acting Clerk:

Caulfield Racecourse Reserve Trust — Minister's report of receipt of the 2019-20 report.

**6 PRODUCTION OF DOCUMENTS — AUDITING HOTELS USED IN THE HOTEL QUARANTINE PROGRAM** — The Acting Clerk laid on the Table a letter from the Attorney-General, dated 3 March 2021, in response to the Resolution of the Council of 18 February 2021 (on the motion of Ms Crozier), relating to auditing hotels used in the hotel quarantine program, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**7 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 March 2021.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447 be postponed until later this day.

**10 CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020** — 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 —*

**11 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Review of duck hunting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Tuesday, 9 March 2021.
- **Commercial passenger vehicle illegal advertising** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Tuesday, 9 March 2021.
- **Electric vehicle manufacturing industry support** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Tuesday, 9 March 2021.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**13 CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

Mr Limbrick moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until a Select Committee of eight Members is appointed to inquire into, consider and their report is presented to the House, no later than 2 August 2021, in accordance with the following terms —

- (1) the Committee will examine the potential legal and democratic consequences of utilising the entrenchment provisions of the *Constitution Act 1975* to enshrine Government policy priorities as contemplated by the Constitution Amendment (Fracking Ban) Bill 2020, and in particular —
  - (a) the views and opinions of academic and legal experts;
  - (b) the nature and intent of section 6 of the Australia Act 1986 (Cth) and the implications for this Bill;
  - (c) relevant case law from the High Court of Australia;
  - (d) any legal advice the Government received in drafting the Bill;
  - (e) community views on the role of the Victorian Constitution;
- (2) the Committee will consist of four Members from the Government Party nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council, two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;

- (3) the Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on the day following the House resolving to establish the Committee;
- (4) the first meeting of the Committee must be held no later than 14 days after the day on which the House resolves to establish the Committee;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry; and
- (10) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Limbrick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be read a second time — put.

The Council divided — The President in the Chair.

AYES, 32

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; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O’Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Mr Atkinson; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Symes moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time — put.

The Council divided — The President in the Chair.



## AYES, 30

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 4

Mr Atkinson; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 15 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2020** — 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.

- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the supply of hypodermic needles and syringes and the supply, possession and administration of naloxone or other Schedule 2 or Schedule 3 poisons for the treatment of opioid overdose and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Ms Crozier), the debate was adjourned for one week.

- 17 JUSTICE LEGISLATION AMENDMENT (SYSTEM ENHANCEMENTS AND OTHER MATTERS) BILL 2021** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend various courts, integrity entities and justice Acts to provide for the on-going operation of certain processes and procedures implemented during the COVID-19 pandemic, to amend the Independent Broad-based Anti-corruption Commission Act 2011 to provide for the on-going operation of certain processes and procedures implemented during the COVID-19 pandemic and to provide for Deputy Commissioners to be examiners, to amend the Fines Reform Act 2014 in relation to time served and fines, to extend the default commencement and repeal dates of the Justice Legislation Amendment (Criminal Appeals) Act 2019, to consequentially amend the Interpretation of Legislation Act 1984, to extend the operation of certain provisions relating to the COVID-19 pandemic in various Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the debate was adjourned for one week.

**18 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.

**19 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 5.44 p.m., adjourned until Tuesday, 16 March 2021.

ANNE SARGENT  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 95, 96 and 97

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### **PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021**

*Committed Tuesday, 2 March 2021*

*Amendments circulated: Mr Davis (pp. 693-5), Mr Limbrick (DL32C and DL33C) (p. 695), Ms Symes (pp. 695-8)*

Amendments proposed to be moved in Committee by Mr Limbrick (two sets) were circulated.

**Clause 1** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Limbrick moved Amendment No. 1 (DL33C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 1 — put and agreed to.

Mr Limbrick moved Amendment No. 1 (DL32C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Davis moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; 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 Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1, as amended — put and agreed to.

**Clause 2** — Ms Symes moved Amendment Nos. 2 and 3 — put and agreed to.

Clause 2, as amended — put and agreed to.

**New Clauses** — Ms Symes moved Amendment No. 4.

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Clause 3** — Mr Davis moved Amendment No. 3.

Question — That clause 3 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**New Clause** — Mr Davis moved Amendment No. 4.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**New Clause** — Mr Davis moved Amendment No. 5.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**New Clause** — Ms Symes moved Amendment No. 5.

Question — That the New Clause stands part of the Bill — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 6.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 4** — put and agreed to.

**Clause 5** — Ms Symes moved Amendment No. 6 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020**

*Committed Thursday, 4 March 2021*

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021***Amendments circulated by Mr Davis*

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines and insert—
  - "(a) to provide for the state of emergency declaration that relates to the COVID-19 pandemic continuing in force for a total period that exceeds 6 months, on a month by month basis; and
  - (ab) to provide for measures to enhance transparency during a state of emergency; and
  - (ac) to provide for restrictions on the making of directions in relation to the Parliamentary precincts; and".
2. Clause 1, line 10, omit "16 December 2021" and insert "to align with the date on which the state of emergency declaration that relates to the COVID-19 pandemic ceases to be in force".
3. Clause 3, omit this clause.

**NEW CLAUSES**

4. Insert the following New Clause before clause 4—

**'3 Declaration of a state of emergency**

- (1) In section 198(7)(c) of the **Public Health and Wellbeing Act 2008** for "6 months or, in the case or the emergency declaration in respect of the COVID-19 pandemic, 12 months." **substitute** "6 months, other than in accordance with a resolution of both Houses of the Parliament that approves the total period exceeding 6 months."
- (2) After section 198(7) of the **Public Health and Wellbeing Act 2008** insert—
 

"(7A) A resolution passed by both Houses of the Parliament that approves a state of emergency declaration continuing in force for a total period that exceeds 6 months—

  - (a) must specify the total additional period, not exceeding one month, for which the state of emergency declaration may continue in force in accordance with the resolution; and
  - (b) must be in respect of a state of emergency declaration that relates to the COVID-19 pandemic; and
  - (c) should not be moved until—
    - (i) a statement of the basis on which it is proposed that the declaration continue in force and the objectives of continuing the declaration in force, including as to how these objectives relate to the objects of the Act has been laid before the House; and
    - (ii) all members of Parliament who so request have received appropriate briefings and appropriate information on the circumstances causing a serious risk to public health out of which the state of emergency arises; and
  - (d) may be passed more than one time in respect of the same state of emergency declaration."
- (3) After section 198(9) of the **Public Health and Wellbeing Act 2008** insert—
 

"(10) Despite anything to the contrary in the Subordinate Legislation (Legislative Instruments) Regulations 2011, a declaration under subsection (1) is not an exempt legislative instrument, but the following are not required for any proposed declaration—

- (a) consultation under section 12C of the **Subordinate Legislation Act 1994**;
- (b) the preparation of a regulatory impact statement under section 12E of the **Subordinate Legislation Act 1994**.". .

5. Insert the following New Clause before clause 4—

**'3A New section 198A**

After section 198 of the **Public Health and Wellbeing Act 2008** insert—

**"198A Measures to enhance transparency during a state of emergency**

- (1) This section applies during any period when a declaration of a state of emergency is in force.
- (2) The Leader of the Opposition, the leader of any other political party represented in the Parliament or an independent elected member may request that the Premier provide briefings or specified information in relation to the circumstances causing a serious risk to public health out of which the state of emergency arises, or any other matter relating to the state of emergency.
- (3) The Premier must, as soon as practicable, provide the requested briefings or information to the person who requested it.
- (4) The President of the Legislative Council and the Speaker of the Legislative Assembly must make their best endeavours to summon each House to meet at least once during each month that the declaration is in force.". .

6. Insert the following New Clause before clause 4—

**'3B New sections 200A and 200B**

After section 200 of the **Public Health and Wellbeing Act 2008** insert—

**"200A Limit on power to give directions**

- (1) For the avoidance of doubt, a direction must not be given under subsection 200(1)(d) in relation to the attendance in the Parliamentary precincts of a member of the Parliament, or any other person engaged in the normal carrying on of business of the Parliament.

**Note**

Section 19 of the **Constitution Act 1975** provides for the privileges, immunities and powers (parliamentary privilege) of the Council and Assembly respectively and committees and members thereof. The **Public Health and Wellbeing Act 2008** does not expressly override section 19 of the **Constitution Act 1975**.

- (2) In this section—

*parliamentary precincts* has the same meaning as in the **Parliamentary Precincts Act 2001**.

**200B Directions etc. to be laid before Parliament**

- (1) If a direction is given under section 200(1)(d) in the exercise of the emergency powers, the Minister must cause to be laid before both Houses of the Parliament, within one business day of the direction being given, a copy of—
  - (a) the direction; and
  - (b) all briefings provided, in respect of the giving of the direction, to the Chief Health Officer and the authorised officer who gave the direction (if that was not the Chief Health Officer); and
  - (c) a statement of the basis on which the direction was given, including as to how the giving of the direction relates to the objects of the Act.



- (2) If the Minister proposes to cause a copy of a direction, briefings and a statement to be laid before Parliament at a time when Parliament is not sitting, the Minister must give a copy of the direction, the briefings and the statement to the Clerk of each House within one business day of the direction being given.
- (3) The Clerk of each House must—
  - (a) give a copy of the direction, the briefings and the statement to each member of the House as soon as practicable after receiving them under subsection (2); and
  - (c) cause a copy of the direction, the briefings and the statement to be laid before the House on the next sitting day of the House.".'.

7. Clause 4, omit "16 December 2021" and insert "the date on which the state of emergency declaration that relates to the COVID-19 pandemic (as extended under section 198(7)(c)) ceases to be in force".

#### Amendments circulated by Mr Limbrick (DL32C)

1. Clause 1, after line 8 insert—
 

"(ab) to provide additional rights for detained persons; and".

#### NEW CLAUSE

2. Insert the following New Clause to follow clause 3—

#### **'3A New section inserted**

After section 200 of the **Public Health and Wellbeing Act 2008** insert—  
**"200A Additional rights of a detained person**

- (1) This section applies to a person who is detained under section 200(1)(a).
- (2) The detained person must be provided with regular and meaningful access to fresh air and exercise to the extent reasonably practicable.".'.

#### Amendments circulated by Mr Limbrick (DL33C)

1. Clause 1, line 8, omit "21 months" and insert "15 months".
2. Clause 1, line 10, omit "16 December 2021" and insert "26 July 2021".
3. Clause 3, line 5, omit "21" and insert "15".
4. Clause 4, line 9, omit "16 December 2021" and insert "26 July 2021".

#### Amendments circulated by Ms Symes

1. Clause 1, after line 8 insert—
 

"(ab) to provide for enhanced review rights for detained persons; and  
 (ac) to provide for prescribed penalties to be different for adults and children; and".
2. Clause 2, line 2, omit "This" and insert "(1) Subject to subsection (2), this".
3. Clause 2, after line 3 insert—
 

"(2) Sections 2A, 2B and 3A come into operation on 20 April 2021".

## NEW CLAUSES

4. Insert the following New Clauses before clause 3—

**'2A Definitions**

In section 3(1) of the **Public Health and Wellbeing Act 2008** insert—

**"Detention Review Officer** means a person appointed to be a Detention Review Officer under section 32A(1);".

**2B New section 32A inserted**

After section 32 of the **Public Health and Wellbeing Act 2008** insert—

**"32A Secretary may appoint Detention Review Officers**

- (1) The Secretary by instrument may appoint a person to be a Detention Review Officer for the purposes of this Act.
- (2) A person appointed as a Detention Review Officer must be an Australian lawyer of at least 10 years' experience.
- (3) An instrument of appointment of a person as a Detention Review Officer may—
  - (a) specify the functions, duties or powers under this Act or the regulations to which it relates; and
  - (b) be made subject to any conditions that the Secretary considers to be appropriate.
- (4) The Secretary may give a general direction to a Detention Review Officer in relation to the performance of the Detention Review Officer's functions or duties or the exercise of the Detention Review Officer's powers under this Act or the regulations.
- (5) An instrument of appointment under subsection (1) must be published in the Government Gazette as soon as reasonably practicable after it is made, but a failure to publish the instrument does not affect its validity.
- (6) A person appointed as a Detention Review Officer is employed under Part 3 of the **Public Administration Act 2004**.".!

5. Insert the following New Clauses after clause 3—

**'3A New sections inserted**

After section 200 of the **Public Health and Wellbeing Act 2008** insert—

**"200A Information to be given to detained persons**

- (1) As soon as practicable after a person is made subject to detention under section 200(1)(a), the person must be provided with the following information in a form that the person is capable of understanding—
  - (a) the purpose of the detention and its terms;
  - (b) any exemptions that may be available to the person in respect of the detention;
  - (c) an explanation of the person's rights and entitlements in relation to making a complaint or seeking a review of the decision to make the person subject to detention including, but not limited to—
    - (i) the process for making a complaint or seeking an exemption; and
    - (ii) the process for making an application for review under section 200B.
- (2) Nothing in this section limits the requirements under this Act or any other Act in respect of information to be given to a person who is subject to detention under section 200(1)(a) including, but not limited to, the information required to be given to the person under section 200.

**200B Applications may be made for review of certain decisions in relation to a person subject to detention**

- (1) A person who is subject to detention under section 200(1)(a) may make an application to the Secretary for a review by a Detention Review Officer of—
  - (a) the decision under section 200(1)(a) to make the person subject to detention including, but not limited to, in respect of the following—
    - (i) the reasons for the detention;
    - (ii) the period of the detention;
    - (iii) the place of the detention;
    - (iv) the conditions of the detention; or
  - (b) a decision under section 200(1)(d) that relates to the person's detention.
- (2) An application under subsection (1) cannot be made in respect of a decision under section 200(6) that the continued detention of a person is reasonably necessary to eliminate or reduce a serious risk to public health.
- (3) A person who is subject to detention under section 200(1)(a) and has made an application under subsection (1) may make further applications under subsection (1) in respect of that detention if—
  - (a) the most recent application made by the person has been determined; and
  - (b) since the most recent application was determined, new and materially different circumstances have arisen that affect the person in respect of the detention.
- (4) An application under subsection (1)—
  - (a) must be in writing; and
  - (b) must specify the grounds on which the application is made; and
  - (c) if the application is a further application of the kind permitted by subsection (3), must include a description of the new and materially different circumstances that have arisen and affect the person in respect of the detention; and
  - (d) must include any prescribed information; and
  - (e) may include any other information that the person making the application considers appropriate.
- (5) The Secretary must ensure that an application made under subsection (1) is referred to a Detention Review Officer immediately after the application is made.

**200C Detention Review Officer must decide applications**

- (1) This section applies if an application in respect of a decision is referred to a Detention Review Officer under section 200B(5).
- (2) The Detention Review Officer must use their best endeavours to decide the application, and advise the applicant in writing of the decision and the reasons for it, within 24 hours after the application was received by the Secretary.
- (3) In deciding the application, the Detention Review Officer—
  - (a) must consider the information included in the application; and
  - (b) may make such further inquiries and seek such further information in relation to any aspect of the application as the Detention Review Officer thinks fit including, but not limited to, making inquiries to or seeking information from persons with expertise in public health.

- (4) The Detention Review Officer may decide—
  - (a) to affirm the decision under review; or
  - (b) to refer the application to the Chief Health Officer, accompanied by such non-binding recommendations as the Detention Review Officer considers appropriate (if any).
- (5) A decision by a Detention Review Officer to affirm a decision made by an authorised officer is taken to be a decision of that authorised officer.

#### **200D Review referred back to Chief Health Officer**

- (1) If a Detention Review Officer refers an application to the Chief Health Officer under section 200C(4)(b), the Chief Health Officer must use their best endeavours to decide the application, and advise the applicant in writing of the decision and the reasons for it, within 24 hours after the application is referred.
- (2) The Chief Health Officer may—
  - (a) affirm the decision under review; or
  - (b) vary the decision under review; or
  - (c) set aside the decision under review and make a new decision in substitution for it.

#### **200E Detention not unlawful merely because of a decision on review**

If a person makes an application under section 200B(1) for review of a decision, and the detention of the person ceases because of a decision made on the review, the detention of the person is not unlawful merely because of the decision made on the review."

### **3B Regulations**

After section 232(2) of the **Public Health and Wellbeing Act 2008** insert—

- "(3) Despite anything to the contrary in Division 5 of Part 2 of the **Infringements Act 2006**, regulations prescribing an amount as the infringement penalty for an offence may—
  - (a) prescribe a lower amount of penalty for an offence committed by a person under the age of 18 years; and
  - (b) specify the circumstances in which the different amounts of penalty apply."

- 6. Clause 5, lines 3 and 4, omit "the first anniversary of its commencement" and insert "20 April 2022".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 98, 99 and 100

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#### No. 98 — Tuesday, 16 March 2021

- 1 The President took the Chair at 11.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —

On 10 March 2021, given the Royal Assent to the following Act presented to her by the Acting Clerk of the Legislative Council:

*Public Health and Wellbeing Amendment (State of Emergency Extension) Act 2021*

On 16 March 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly:

*Constitution Amendment (Fracking Ban) Act 2021*

*Education and Training Reform Amendment Act 2021.*

- 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Markham Estate development** — substantive question asked by Mr Hayes — response from Ms Stitt due Thursday, 18 March 2021.
- **Thomas Embling Hospital Patient Leave** — supplementary question asked by Ms Maxwell — response from Ms Symes due Wednesday, 17 March 2021.
- **Greyhound racing – animal welfare** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Thursday, 18 March 2021.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 5 **PETITIONS** —

**ANNOUNCE THE 2021 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to announce a full season with a full bag limit for the 2021 duck hunting season as soon as possible.

Ordered to lie on the Table.

**TARNEIT WEST STATION PROJECT** — Mr Finn presented a Petition bearing 461 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to deliver the Tarneit West station project as soon as possible rather than make the community wait until the completion date of 2027 for this critical infrastructure project.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PROPOSED TRAIN STABLING IN HEATHERTON** — Mr Hayes presented a Petition bearing 1,313 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to be transparent in the decision-making process for the proposed train stabling site in Heatherton, to take into consideration the wishes of the City of Kingston residents and find an alternative location for the train stabling site, even if it is more costly.

Ordered to lie on the Table.

\* \* \* \* \*

**2021 DUCK HUNTING SEASON** — Mr Rich-Phillips presented a Petition bearing 5,982 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish an inquiry into the Game Management Authority and their handling of the 2021 duck season, announce a full 2021 season with full bag limits and communicate directly with hunting organisations to better understand the issues duck hunters face.

Ordered to lie on the Table.

On the motion of Mr Rich-Phillips, the petition was ordered to be taken into consideration on the next day of meeting.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 4 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT 2020-21** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Acting Clerk laid on the Table a copy of the 2020-21 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2021.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 4 March 2021 giving approval to the granting of a lease at Princes Park Reserve.

Order of 11 March 2021 giving approval to the granting of a licence at Clarke Road Streamside Reserve.

Health Complaints Act 2016 — Review of the *Health Complaints Act 2016*, Final Report, January 2021, under section 157 of the Act.

Interpretation of Legislation Act 1984 — Notices under section 32(3) in relation to — Electricity Safety Exemptions Order 2020 (*Gazette No. G7, 18 February 2021*).

Statutory Rule No. 136/2020 (*Gazette No. G7, 18 February 2021*).

Statutory Rule No. 3/2021 (*Gazette No. G9, 4 March 2021*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C284 (Part 1), C294 (Part 2), C306 and C349.

Greater Bendigo Planning Scheme — Amendment C267.

Moorabool Planning Scheme — Amendment C98.

Port Phillip Planning Scheme — Amendment C190.

Victoria Planning Provisions — Amendment VC195.

A Statutory Rule under the COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 10.  
Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 11 to 13.

Legislative instruments and related documents under section 16B in respect of —

Secretary Approval: Nurse Immunisers — SARS-COV-2 (COVID-19) Vaccine of  
20 February 2021 under the Drugs, Poisons and Controlled Substances Act 1981.

Secretary Approval: Pharmacist Immuniser — SARS-COV-2 (COVID-19) Vaccine of  
20 February 2021 under the Drugs, Poisons and Controlled Substances Act 1981.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Acting Clerk:

Consumer and Other Acts Miscellaneous Amendments Act 2021 — Whole Act (other than Sections 1(e)(iii), 82 and 86 and Division 2 of Part 7) — 10 March 2021 — Section 82 and Division 2 of Part 7 — 29 March 2021 (*Gazette No. S110, 10 March 2021*).

**7 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 17 March 2021 —

- (1) Notice of Motion No. 482 standing in the name of Mr Bourman on the production of documents relating to arrangements for the 2021 duck hunting season;
- (2) Notice of Motion No. 451 standing in the name of Mr Bourman on a pilot junior motorcycle permit for public land;
- (3) Order of the Day No. 49, resumption of debate on the motion calling for WorkSafe Victoria to investigate health and safety risks within the Hotel Quarantine Program;
- (4) the notice of motion given this day by Ms Bath referring matters relating to the closure of the Hazelwood Power Station and the proposed closure of the Yallourn Power Station to the Economy and Infrastructure Committee; and
- (5) the notice of motion given this day by Mr Davis on the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited and the High Capacity Metro construction.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447, be postponed until later this day.

**10 JUSTICE LEGISLATION AMENDMENT (SYSTEM ENHANCEMENTS AND OTHER MATTERS) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Maxwell 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 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.

**11 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**12 SPENT CONVICTIONS BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

On the motion of Ms Taylor, the debate was adjourned until later this day.

**13 ADJOURNMENT** — Ms Stitt 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 7.06 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 99 — Wednesday, 17 March 2021

**1** The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

**2 EMERGENCY POWERS SAFEGUARDS LEGISLATION AMENDMENT BILL 2021** — Mr Quilty introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 and the Emergency Management Act 1986 in relation to limiting emergency powers and for other purposes*.

On the motion of Mr Quilty, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Maintaining Local Roads, March 2021 (*Ordered to be published*).

Results of 2019-20 Audits: Local Government, March 2021 (*Ordered to be published*).

Results of 2019-20 Audits: State-controlled Entities, March 2021 (*Ordered to be published*).

Border Groundwaters Agreement Review Committee — Report, 2019-20.

Ombudsman — Outsourcing of parking fine internal reviews – a follow-up report, March 2021 (*Ordered to be published*).

Public Health and Wellbeing Act 2008 — 12<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency, under section 198(8A) of the Act.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 13.

Service Victoria Act 2018 — Nos. 11 and 12.

Water Act 1989 — No. 14.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 10.

**4 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA** — Ms Terpstra moved, by leave, That the resolution of the Council of 30 October 2019 and the resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 30 April 2021, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, be amended so as to now require the Committee to present its report by 30 September 2021.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**6 PRODUCTION OF DOCUMENTS — 2021 DUCK HUNTING SEASON** — Mr Bourman moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the



Government to table in the Council by 12 noon on Wednesday, 5 May 2021, documents relating to the arrangements for the 2021 duck hunting season, including but not limited to —

- (1) the procedures and raw data sets used by the —
  - (a) Game Management Authority in determining the advice forwarded to the Minister for Agriculture, the Hon Mary-Anne Thomas MP, regarding the 2021 duck hunting season;
  - (b) Department of Environment, Land, Water and Planning in determining the advice forwarded to the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, regarding the 2021 duck hunting season;
- (2) all advice from the Department of Jobs, Precincts and Regions provided to the Minister for Agriculture regarding the 2021 duck hunting season;
- (3) documentation outlining why the Eastern Australian Waterbird Survey is still used despite the author of the survey saying that the survey is not for this purpose;
- (4) all advice from Victoria Police regarding the arrangements for the 2021 duck hunting season; and
- (5) all other correspondence from stakeholders relating to the 2021 duck hunting season.

Debate ensued.

Question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 451, be postponed until later this day.

**8 HOTEL QUARANTINE PROGRAM — OCCUPATIONAL HEALTH AND SAFETY** — Debate resumed on the motion, That this House calls on the Minister for Workplace Safety, the Hon Ingrid Stitt MLC, to exercise her power, confirmed in section 7(1)(a) of the *Occupational Health and Safety Act 2004*, to direct WorkSafe Victoria to —

- (1) conduct an urgent investigation into all occupational health and safety risks and corresponding responsibilities for duty holders within the Hotel Quarantine Program managed by COVID-19 Quarantine Victoria and its predecessors with responsibility for hotel quarantine;
- (2) ensure the report includes details of the health and safety risks and corresponding responsibilities for duty holders;
- (3) complete the inquiry and present a Report to the Minister for Workplace Safety by 31 May 2021; and
- (4) cause the Report to be tabled in the Council on the next sitting day after it has been received from WorkSafe Victoria.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Privatisation** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Friday, 19 March 2021.
- **Commercial passenger vehicle drivers** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 March 2021.
- **Fox family planning application** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Stitt due Friday, 19 March 2021.
- **Forced labour – government purchasing guidelines** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Friday, 19 March 2021.
- **Voluntary assisted dying – non-permanent residents** — substantive question asked by Ms Patten — response from Ms Symes due Thursday, 18 March 2021.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**11 HOTEL QUARANTINE PROGRAM — OCCUPATIONAL HEALTH AND SAFETY** — Debate continued on the motion, That this House calls on the Minister for Workplace Safety, the Hon Ingrid Stitt MLC, to exercise her power, confirmed in section 7(1)(a) of the *Occupational Health and Safety Act 2004*, to direct WorkSafe Victoria to —

- (1) conduct an urgent investigation into all occupational health and safety risks and corresponding responsibilities for duty holders within the Hotel Quarantine Program managed by COVID-19 Quarantine Victoria and its predecessors with responsibility for hotel quarantine;
- (2) ensure the report includes details of the health and safety risks and corresponding responsibilities for duty holders;
- (3) complete the inquiry and present a Report to the Minister for Workplace Safety by 31 May 2021; and
- (4) cause the Report to be tabled in the Council on the next sitting day after it has been received from WorkSafe Victoria.

*The Deputy 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, 16

Mr Atkinson; Dr Bach; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlami; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**12 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — HAZELWOOD AND YALLOURN POWER STATIONS** — Ms Bath moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than 13 December 2021 —

- (1) on the —
  - (a) impact of the closure of the Hazelwood Power Station on the economy and jobs of the Latrobe Valley, and the success or otherwise of economic recovery efforts to date;
  - (b) expected economic impacts of the proposed closure of Yallourn Power Station in 2028 and options the State Government can pursue to offset the loss of more than 1,000 direct jobs from the plant, as well as associated contractors;
  - (c) success or otherwise of the Latrobe Valley Authority (LVA) to help the region transition, in light of the decline of funding made available to the LVA over successive State Budgets;
- (2) and if the Committee proposes to transmit a report for the Inquiry to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —
  - (a) the Clerk must —
    - (i) as soon as practicable after the report is received give a copy of the report to each Member of the House;
    - (ii) as soon as practicable after the report is received cause the report to be published on the Tabled Documents Database and the Committee's website;
  - (b) cause the report to be tabled in the House on the next sitting day of the House; and
  - (c) the report will be taken to be published by authority of the House.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Dr Cumming; Mr Elasmarr; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**13 PRODUCTION OF DOCUMENTS — CRRC CHANGCHUN RAILWAY VEHICLES COMPANY LIMITED** — Mr Davis moved, That this House —

(1) notes that —

- (a) part of the Evolution Rail consortium awarded the contract to deliver the High Capacity Metro Trains is CRRC Changchun Railway Vehicles Company Limited, linked to the use of Uyghur slave labour;
- (b) CRRC Changchun Railway Vehicles Company Limited is also part of the Chinese Government's Belt and Road Initiative;
- (c) more than a million Uyghurs and members of other Turkic Muslim minorities have allegedly disappeared into a vast network of 're-education camps';
- (d) factories in China are allegedly sourcing Uyghur workers from the 're-education camps' under a government-led labour transfer scheme;
- (e) the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, confirmed on ABC radio on 5 October 2020, that she was aware of these allegations and has sought advice from the Department of Transport about whether they were true;
- (f) the Minister for Transport Infrastructure said the advice received from the Department of Transport about these allegations were untrue and the Minister did not indicate that CRRC Changchun Railway Vehicles Company Limited was not using Uyghur slave labour in other contracts and constructions; and

(2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before Wednesday, 14 April 2021, any advice received by the Minister for Transport Infrastructure from the Department of Transport, which she referred to in the ABC radio interview on 5 October 2020, relating to allegations that CRRC Changchun Railway Vehicles Company Limited were using Uyghur slave labour in the High Capacity Metro construction.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447, be postponed until later this day.

**16 REGIONAL SITTING — ORDER OF BUSINESS** — Ms Symes moved, That so much of the Standing, Sessional and Temporary Orders be suspended to the extent necessary to enable —

(1) the sitting of the Council on Thursday, 29 April 2021, to commence at 9.30 a.m. at The Pavilion Pioneer Park, Bright, in the Alpine Shire Council, and that the Order of Business on that day will be —

- (a) Lord's Prayer and Welcome to Country;
- (b) The Proclamation to be read by the Clerk;
- (c) Councillor John Forsyth, Mayor, Alpine Shire Council, to attend on the floor of the House to address the House;
- (d) Messages;
- (e) Formal Business;
- (f) Members' Statements (up to 15 Members);

- (g) Government Business;
  - (h) **At 11.00 a.m.** Questions without notice;
  - (i) Answers to Questions on notice;
  - (j) Constituency Questions (up to 15 Members);
  - (k) **At 1.30 p.m.** a motion, moved by the Leader of the Government, in relation to the 2019-20 Bushfires;
  - (l) **At 3.00 p.m.** Government Business;
  - (m) **At 4.30 p.m.** General Business —
    - (i) Opposition Business (up to 45 minutes);
    - (ii) Minor parties and Independent Members Business (up to 45 minutes);
  - (n) **At 6.00 p.m.** Adjournment (up to 20 Members); and
- (2) this sitting to occur at Parliament House, Melbourne, if, in the opinion of the President, the sitting should not occur in Bright on the basis of health advice and the President will notify Members of any change to this sitting of the House accordingly.

Debate ensued.

Question — put and agreed to.

**17 ADJOURNMENT** — Ms Symes 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 6.19 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## **No. 100 — Thursday, 18 March 2021**

- 1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **CHILDREN, YOUTH AND FAMILIES (RAISE THE AGE) AMENDMENT BILL 2021** —  
Dr Ratnam introduced *A Bill to amend the Children, Youth and Families Act 2005 to raise the age of criminal responsibility to 14 years of age*.  
On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 3 **PAPERS** —  
**SUPREME COURT OF VICTORIA, REPORT 2019-20** — Ms Symes presented, by command of the Governor, the Supreme Court of Victoria Report, 2019-20.  
Report ordered to lie on the Table.

\* \* \* \* \*

**METRO TUNNEL — TUNNEL AND STATIONS PUBLIC PRIVATE PARTNERSHIP PROJECT SUMMARY ADDENDUM** — Ms Symes moved, by leave, That there be laid before this House a copy of Metro Tunnel's Tunnel and Stations Public Private Partnership Project Summary Addendum, March 2021.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Reducing the Harm Caused by Gambling, March 2021 (*Ordered to be published*).

Service Victoria—Digital Delivery of Government Services, March 2021 (*Ordered to be published*).

Child Wellbeing and Safety Act 2005 — Child Information Sharing Scheme Two-Year Review, Final Report, under section 41ZN of the Act.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2019-20 report.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 February 2021 (*Ordered to be published*).

National Environment Protection Council — Report, 2018-19.

Safe Drinking Water Act 2003 — Drinking water quality in Victoria — Report, 2019-20.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

Trust for Nature (Victoria) — Report, 2019-20.

- 4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Thursday, 29 April 2021 at 9.30 a.m.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447, be postponed until later this day.

- 7 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — 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.

*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.

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:

- **Ride share touting at airports** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Monday, 22 March 2021.
- **Services Victoria online transactions** — supplementary question asked by Mr Rich-Phillips — response from Ms Symes due Monday, 22 March 2021.
- **Ashley Street Railway Bridge, Maidstone** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Monday, 22 March 2021.
- **Land transfer duty waiver – foreign purchases** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 March 2021.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — 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, 36

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Stitt 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, 37

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 SPENT CONVICTIONS BILL 2020** — 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.

Question — put and 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 —*

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On the motion of Ms Symes, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Symes moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time — put.

The Council divided — The President in the Chair.

## AYES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 12 INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Employment Act 2003, the Construction Industry Long Service Leave Act 1997, the Equal Opportunity Act 2010, the Inquiries Act 2014, the Labour Hire Licensing Act 2018, the Long Service Benefits Portability Act 2018, the Long Service Leave Act 2018 and the Owner Drivers and Forestry Contractors Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.

- 13 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (ARBITRATION) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Stitt), 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 O'Donohue), the debate was adjourned for one week.

- 14 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Cemeteries and Crematoria Act 2003 to protect affected persons against harm, pain and suffering that may be caused as a result of the exercise of rights of interment by or in favour of certain persons, to make various related amendments to that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.

**15 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 7.27 p.m., adjourned until Thursday, 29 April 2021.

ANNE SARGENT

*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 98, 99 and 100

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### JUSTICE LEGISLATION AMENDMENT (SYSTEM ENHANCEMENT AND OTHER MATTERS) BILL 2021

*Committed Tuesday, 16 March 2021*

*Amendments circulated: Ms Maxwell (p. 715)*

**Clauses 1 to 44** — put and agreed to.

**Clause 45** — Question — That clause 45 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Dr Bach; Ms Bath; 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 46 to 121** — put and agreed to.

**Clause 122** — Ms Maxwell moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 122 — put and agreed to.

**Clauses 123 to 209** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020**

*Committed Tuesday, 16 March 2021*

**Clauses 1 to 38** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**PLANNING AND ENVIRONMENT AMENDMENT BILL 2021**

*Committed Thursday, 18 March 2021*

*Amendments circulated: Dr Ratnam (pp. 715-6)*

**Clause 1** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 35

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 19** — put and agreed to.

**New Clause** — Dr Ratnam moved Amendment No. 15.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 20 to 61** — put and agreed to.

**Clauses 62 to 64** — Question — That clauses 62 to 64 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 65 to 74** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **SPENT CONVICTIONS BILL 2020**

*Committed Thursday, 18 March 2021*

*Amendments circulated: Mr O'Donohue (pp. 716-7) and Dr Ratnam (p. 717)*

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 3 — put and agreed to.

**Clauses 4 to 6** — put and agreed to.

**Clause 7** — Mr O'Donohue moved Amendment Nos. 7 and 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; 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; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 7 — put and agreed to.

**Clauses 8 to 29** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. JUSTICE LEGISLATION AMENDMENT (SYSTEM ENHANCEMENT AND OTHER MATTERS) BILL 2021**Amendments circulated by Ms Maxwell

1. Clause 122, line 24, after "substituted" insert "or 26 October 2021, whichever is earlier".
2. Clause 122, page 99, line 20, after "substituted" insert "or 26 October 2021, whichever is earlier".

**2. PLANNING AND ENVIRONMENT AMENDMENT BILL 2021**Amendments circulated by Dr Ratnam

1. Clause 1, line 6, after "buildings" insert ", objects, trees and landscapes".
2. Clause 3, line 5, omit "definition—" and insert "definitions—".
3. Clause 3, line 9, omit 'scheme;'. and insert "scheme;"
4. Clause 3, after line 9 insert—
 

*'heritage landscape* means a landscape or geological formation which is a place, or forms part of a place, that has been given heritage protection under a planning scheme;

*'heritage object* means an object which has been given heritage protection under a planning scheme;

*'heritage tree* means a tree which has been given heritage protection under a planning scheme;".
5. Clause 4, line 13, after "**buildings**" insert "**etc.**".
6. Clause 4, line 22, after "demolishing" insert ", destroying or removing".
7. Clause 4, line 23, omit "buildings;" and insert "buildings, heritage objects, heritage trees or heritage landscapes;".
8. Clause 4, line 24, after "buildings" insert "or heritage objects".
9. Clause 4, line 28, after "demolishing" insert ", destroying or removing".
10. Clause 4, line 29, omit "buildings;" and insert "buildings, heritage objects, heritage trees or heritage landscapes;".
11. Clause 4, line 30, after "buildings" insert "or heritage objects".
12. Clause 4, page 4, line 5, after "building" insert ", heritage object, heritage tree or heritage landscape".
13. Clause 4, page 4, line 6, after "demolished," insert "destroyed or removed,".
14. Clause 4, page 4, line 7, after "or" insert ", in the case of a heritage building or heritage object,".
15. Insert the following New Clause to follow clause 19—

**'19A Approval of amendment by Minister**

After section 35(4) of the **Planning and Environment Act 1987** insert—

"(5) If an amendment is submitted to the Minister under section 31, the Minister must approve or refuse to approve the amendment or a part of the

amendment within the period of 90 days after receiving the amendment and the prescribed information.

- (6) The Minister may extend the period referred to in subsection (5) by a further 30 days, by notice published in the Government Gazette before the end of that period.
- (7) The Minister may extend the period referred to in subsection (5) once only.
- (8) If, within the period allowed by subsection (5) or (6), the Minister does not approve or refuse to approve an amendment or a part of an amendment submitted to the Minister under section 31, the amendment is taken to be approved in full.".'

16. Clause 20, page 18, line 4, omit 'amendment.'" and insert "amendment."

17. Clause 20, page 18, after line 4 insert—

'(1A) To avoid doubt, the Minister must publish notice of the approval of an amendment in the Government Gazette even if—

- (a) the Minister does not intend to make a copy of the approved amendment available in accordance with subsection (1)(a) or (b); or
- (b) the amendment was taken to be approved under section 35(8)."'

### 3. SPENT CONVICTIONS BILL 2020

#### Amendments circulated by Mr O'Donohue

- 1. Clause 1, lines 5 and 6, omit "automatically or on application;" and insert "automatically;"
- 2. Clause 2, line 10, omit "subsections (2) and (3)" and insert "subsection (2)".
- 3. Clause 2, lines 12 and 13, omit "(other than Division 2 of Part 2)".
- 4. Clause 2, lines 16 to 18, omit all words and expressions on these lines.
- 5. Clause 3, page 6, lines 9 and 10, omit all words and expressions on these lines.
- 6. Division heading preceding clause 7, omit this heading.
- 7. Clause 7, lines 18 and 19, omit "(including a serious conviction)".
- 8. Clause 7, line 21, omit "years;" insert "years and is not a serious conviction;"
- 9. Division heading preceding clause 11, omit this heading.
- 10. Clause 11, omit this clause.
- 11. Clause 12, omit this clause.
- 12. Clause 13, omit this clause.
- 13. Clause 14, omit this clause.
- 14. Clause 15, omit this clause.
- 15. Clause 16, omit this clause.
- 16. Clause 17, omit this clause.
- 17. Clause 18, omit this clause.

18. Clause 19, omit this clause.
19. Clause 26, lines 13 to 22, omit all words and expressions on these lines.
20. Clause 26, page 29, line 7, omit "body; and" and insert "body."
21. Clause 26, page 29, lines 8 to 13, omit all words and expressions on these lines.

Amendments circulated by Dr Ratnam

1. Clause 3, page 6, line 15, omit "is" and insert "was 18 years of age or more at the time of the commission of the offence and".
2. Clause 9, line 21, omit "or young offender".
3. Clause 9, line 25, omit "**1989**, the **Sentencing Act 1991**" and insert "**1989**".
4. Clause 9, line 27, omit "5 years" and insert "2 years".
5. Clause 9, after line 27 insert—  
    "(ab) for a conviction of a young offender imposed under the **Penalties and Sentences Act 1985**, the **Children and Young Persons Act 1989**, the **Sentencing Act 1991** or the **Children, Youth and Families Act 2005**—5 years; or".







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 101

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### No. 101 — Thursday, 29 April 2021

- 1 The Council met in Bright pursuant to the Proclamation of the Governor of 20 April 2021, and to the terms of the Resolution of the Legislative Council of 17 March 2021.  
The President took the Chair at 9.37 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Ninth Parliament was read by the Clerk and is as follows:

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#### CONSTITUTION ACT 1975

#### PROCLAMATION

I, Linda Dessau AC, Governor of Victoria, acting under section 8 of the **Constitution Act 1975** and all other powers vested in me:

- (i) vary and alter the place for the despatch of business of the Legislative Council on 29 April 2021 and fix The Pavilion Pioneer Park, Bright, situated at 55–71 Coronation Avenue, Bright, as the place for the despatch of business of the Legislative Council on 29 April 2021 until the completion of business agreed to occur at The Pavilion Pioneer Park by the resolution of the Legislative Council on 17 March 2021; and
- (ii) confirm that once the Legislative Council has completed the business agreed to occur at The Pavilion Pioneer Park by the resolution of the Legislative Council on 17 March 2021, the despatch of business of the Legislative Council shall thereafter revert to Parliament House, Melbourne.

Given under my hand and the seal of Victoria at Melbourne, this 20<sup>th</sup> day of April 2021.

(L.S.)

LINDA DESSAU  
The Honourable Linda Dessau AC  
Governor  
By Her Excellency's Command  
THE HONOURABLE JAMES MERLINO MP  
Acting Premier of Victoria

- 3 **DEATH OF HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH** — The President advised the House of the death on 9 April 2021 of His Royal Highness The Duke of Edinburgh.  
Members stood in their places as a mark of respect to the memory of the late His Royal Highness The Duke of Edinburgh.

- 4 ANNIVERSARY OF THE DEATH OF FOUR VICTORIAN POLICE OFFICERS** — The President acknowledged the first anniversary of the tragic deaths on 22 April 2020 of Leading Senior Constable Lynette Taylor, Senior Constable Kevin King, Constable Glen Humphris and Constable Joshua Prestney.

Members stood in their places as a mark of respect to the memory of the late Leading Senior Constable Lynette Taylor, Senior Constable Kevin King, Constable Glen Humphris and Constable Joshua Prestney.

- 5 ADDRESS BY THE MAYOR OF THE ALPINE SHIRE COUNCIL** — Pursuant to an Order of the Council of 17 March 2021, the President invited Councillor John Forsyth, Mayor of Alpine Shire Council, to attend on the floor of the Chamber and address the House.

Accordingly, Councillor John Forsyth, Mayor of Alpine Shire Council, was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

- 6 ADDRESS BY MS CLAIRE LOCK** — Ms Symes moved, by leave, That this House invites Claire Lock, a student at Bright P-12, to attend on the floor of the Chamber today, to address the House.

Question — put and agreed to.

The President invited Ms Claire Lock to attend on the floor of the Chamber and address the House.

Accordingly, Ms Claire Lock was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

- 7 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 23 March 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —

*Education and Training Reform Amendment (Miscellaneous) Act 2021*

*Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021*

*Planning and Environment Amendment Act 2021.*

The President read a Message from the Governor informing the Council that she had, on 30 March 2021, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —

*Spent Convictions Act 2021.*

- 8 PETITIONS** —

**ALTERNATIVE TRAIN STABLING LOCATION IN MELBOURNE'S SOUTH-EAST** — Mr Davis presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to recommit to the full and permanent protection of the Green Wedge, retain Kingston City Council's 'Chain of Parks', create the planned regional sporting facilities and conduct a transparent investigation into alternative train stabling locations in Melbourne's south-east.

Ordered to lie on the Table.

\* \* \* \* \*

**BUS ROUTE ON DOHERTYS ROAD, TRUGANINA** — Mr Finn presented a Petition bearing 340 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Public Transport Victoria to introduce a new bus route or alter an existing bus route along Dohertys Road, Truganina to provide service to Albright, Ellarook, Westbrook, Element and Rothwell estates.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**INQUIRY INTO DRUG DRIVING REFORM** — Mr Limbrick presented a Petition bearing 961 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to give consideration to Recommendation 24 of the Law Reform, Road and Community Safety Committee's Inquiry into drug law reform and refer the matter to the Legal

and Social Issues Committee for inquiry into alternative drug driving regimes and changes that address the concerns of medical cannabis patients.

Ordered to lie on the Table.

## 9 PAPERS —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Pursuant to a resolution of the Council of 18 February 2021, and following the transmission of the report on 25 March 2021, the Clerk laid on the Table a copy of the Economy and Infrastructure Committee's Report on the Inquiry into the increase in Victoria's road toll (including Appendices, Extract of Proceedings and a Minority Report).

Mr Erdogan presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2020-21 BUDGET ESTIMATES** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 1 April 2021, the Clerk laid on the Table a copy of the Public Accounts and Estimates Committee's Report on the 2020-21 Budget Estimates (including Appendices, Extracts of Proceedings and a Minority Report).

Ms Taylor presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Taylor moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — ANNUAL PLAN 2020/21** — Pursuant to section 169(4)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, and following the transmission of the report on 12 April 2021, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Annual Plan 2020/21.

\* \* \* \* \*

**REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 14 April 2021, the Clerk laid on the Table a copy of the 13<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO THE DEPARTMENT OF JOBS, PRECINCTS AND REGIONS' ADMINISTRATION OF THE BUSINESS SUPPORT FUND** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 27 April 2021, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund, April 2021.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 3 March 2021 giving approval to the granting of a licence at University Square Reserve.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 30 March 2021 to not require the service of a notice of intention to acquire land, under section 7(1)(c) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Ballarat Planning Scheme — Amendment C228.
- Brimbank Planning Scheme — Amendment C200 (Part 2).
- Casey Planning Scheme — Amendments C230 and C279.
- Central Goldfields Planning Scheme — Amendment C36.
- Glen Eira Planning Scheme — Amendment C155.
- Golden Plains Planning Scheme — Amendment C87.
- Greater Dandenong Planning Scheme — Amendment C203.
- Hepburn Planning Scheme — Amendment C85.
- Hume Planning Scheme — Amendments C248 and C254.
- Latrobe Planning Scheme — Amendment C124.
- Melbourne Planning Scheme — Amendment C305.
- Melton Planning Scheme — Amendments C190 and C227.
- Mildura Planning Scheme — Amendments C108 and C109.
- Moreland Planning Scheme — Amendments C203 and C210.
- Port Phillip Planning Scheme — Amendments C161 (Part 1), C177, C186 and C200.
- Victoria Planning Provisions — Amendments VC194 and VC197.
- Wellington Planning Scheme — Amendment C111.

Public Health and Wellbeing Act 2008 — 10<sup>th</sup> Report to Parliament on the State of Emergency, under section 198(8A) of the Act (*in lieu of that tabled on 3 February 2021*).

Statutory Rules under the following Acts of Parliament —

- Children, Youth and Families Act 2005 — No. 22.
- Child Wellbeing and Safety Act 2005 — No. 30.
- City of Melbourne Act 2001 — Local Government Act 2020 — No. 34.
- Conservation, Forests and Lands Act 1987 — No. 32.
- Country Court Act 1958 — No. 28.
- COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 19.
- Dangerous Goods Act 1985 — No. 27.
- Education and Training Reform Act 2006 — Nos. 24 and 25.
- Electronic Transactions (Victoria) Act 2000 — No. 38.
- First Home Owner Grant Act 2000 — No. 31.
- Local Government Act 2020 — No. 33.
- Magistrates' Court Act 1989 — No. 23.
- Powers of Attorney Act 2014 — No. 37.
- Public Health and Wellbeing Act 2008 — No. 15.
- Public Interest Monitor Act 2011 — No. 29.
- Residential Tenancies Act 1997 — Nos. 20 and 21.
- Road Safety Road Act 1986 — Nos. 35 and 36.
- Service Victoria Act 2018 — No. 26.
- Supreme Court Act 1986 — Nos. 16 and 17.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 18.

Subordinate Legislation —

Documents under section 15 in respect of Statutory Rule Nos. 15 to 26, 28 to 31 and 33 to 38.

Legislative instrument and related documents under section 16B in respect of Notice under section 96A - Suspension of regulation 13(1)(a) of the Road Safety (Drivers) Regulations 2019 of 14 April 2021, under the Road Safety Act 1986.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Education and Training Reform Amendment (Regulation of Student Accommodation) Act 2020 — Remaining Provisions — 18 June 2021 (*Gazette No. S152, 30 March 2021*).
- Environment Protection Amendment Act 2018 — Remaining Provisions — 1 July 2021 (*Gazette No. S124, 16 March 2021*).
- Police and Emergency Legislation Amendment Act 2020 — Sections 3 and 4 — 7 April 2021 (*Gazette No. S152, 30 March 2021*).

Transport Legislation Amendment Act 2020 — Sections 5, 7, 32(1), 32(3), 32(4), 33, 34, 38, 39, 40, 41, 42, 45, 49 and 50 — 1 April 2021 (*Gazette No. S152, 30 March 2021*).

**10 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 4 May 2021.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 17 March 2021 —*

**12 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**ROYAL COMMISSION INTO VETERAN SUICIDES** — Mr Leane having given answers to a question without notice and supplementary question relating to the Royal Commission into veteran suicides —

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:

- **Impact of climate change on wildlife** — substantive question asked by Dr Ratnam — response from Mr Leane due Monday, 3 May 2021.
- **Ambulance services in northern Victoria** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 3 May 2021.
- **Native timber harvesting** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 3 May 2021.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**14 2019-2020 BUSHFIRES** — Pursuant to an Order of the Council of 17 March 2021, Ms Symes moved, That this House acknowledges the 2019-20 bushfires and their devastating impact on regional communities.

Debate ensued.

*The Acting President interrupted debate at 3.00 p.m. pursuant to an Order of the Council of 17 March 2021 —*

Question — put and agreed to.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447 and Order of the Day, Government Business, No. 1, be postponed until later this day.

**16 INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021** — 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.

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 7, be postponed until the next day of meeting.

**18 BELT AND ROAD INITIATIVE** — Mr Davis moved, by leave, That this House —

- (1) rejects the decision of the Chinese Communist Party to block access of some Victorian exports including timber, wine, barley and seafood; and
- (2) congratulates the Commonwealth Government on its decision to cancel the Belt and Road Initiative Memorandum of Understanding signed by the Premier, the Hon Daniel Andrews MP, on 8 October 2018 and the Belt and Road Framework Agreement, signed on 23 October 2019, because they were not in the interests of Victoria and Australia.

Debate ensued.

Question — put and agreed to.

**19 REBUILDING AFTER THE 2019-2020 BUSHFIRES** — Ms Maxwell moved, by leave, That this House —

- (1) notes that hundreds of homes were destroyed in the 2019-20 bushfires across Victoria;
- (2) acknowledges the enormous devastation and trauma suffered by people directly affected by any bushfire, including from losing a home, enduring living in temporary accommodation, and undertaking the arduous process of rebuilding a home;
- (3) recognises that only one in around every 40 people who lost their homes in the 2019-20 bushfires has successfully moved back into permanent housing, even after nearly 18 months have passed since the fires;
- (4) expresses concern at the range of challenges that are continuing to delay and compromise rebuilding and re-housing efforts, especially the —
  - (a) financial gaps that frequently exist between the amounts of insurance payments received and the costs of building a new home in a bushfire area, not least because of the substantial expenses associated with complying with Victoria's Bushfire Attack Level ratings system;
  - (b) severe shortages in local housing and other accommodation available to the tradespeople required to undertake the rebuilding work;

and calls on the Government to urgently consider changes to the relevant policies and regulations to help alleviate these very serious, ongoing problems.

Debate ensued.

*The President interrupted business —*

**20 ADDRESS BY THE MAYOR OF THE ALPINE SHIRE COUNCIL** — The President, by leave of the House, and on behalf of all Members of the Council, invited Councillor John Forsyth, Mayor of Alpine Shire Council, onto the floor of the Chamber to receive a gift.

Accordingly, Councillor John Forsyth, Mayor of Alpine Shire Council, was escorted into the Chamber by the Usher of the Black Rod, presented a gift from the President and addressed the House.

**21 REBUILDING AFTER THE 2019-2020 BUSHFIRES** — Debate continued on the motion, That this House —

- (1) notes that hundreds of homes were destroyed in the 2019-20 bushfires across Victoria;
- (2) acknowledges the enormous devastation and trauma suffered by people directly affected by any bushfire, including from losing a home, enduring living in temporary accommodation, and undertaking the arduous process of rebuilding a home;
- (3) recognises that only one in around every 40 people who lost their homes in the 2019-20 bushfires has successfully moved back into permanent housing, even after nearly 18 months have passed since the fires;
- (4) expresses concern at the range of challenges that are continuing to delay and compromise rebuilding and re-housing efforts, especially the —
  - (a) financial gaps that frequently exist between the amounts of insurance payments received and the costs of building a new home in a bushfire area, not least because of the substantial expenses associated with complying with Victoria's Bushfire Attack Level ratings system;
  - (b) severe shortages in local housing and other accommodation available to the tradespeople required to undertake the rebuilding work;

and calls on the Government to urgently consider changes to the relevant policies and regulations to help alleviate these very serious, ongoing problems.

*Business having been interrupted after 45 minutes of debate, pursuant to an Order of the Council of 17 March 2021, by leave, debate was extended for a further 15 minutes —*

Debate continued.

*The Acting President interrupted debate after 15 minutes —*

Question — put and agreed to.

**22 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.34 p.m., adjourned until Tuesday, 4 May 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 102, 103 and 104

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#### No. 102 — Tuesday, 4 May 2021

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Mrs McArthur, resigning from the Scrutiny of Acts and Regulations Committee, effective from Monday, 3 May 2021.
- 3 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Ms Vallence, Member for Evelyn, resigning from the Public Accounts and Estimates Committee, effective from Tuesday, 4 May 2021.
- 4 **RESCIND AND AMEND TEMPORARY ORDERS** — Ms Symes moved, by leave, That —
  - (1) the Temporary Orders agreed to by the House on 15 September 2020 relating to the definition of the Chamber, discretion in ringing the bells to form a quorum and incorporation of business and speeches for bills in Hansard, be rescinded, effective immediately; and
  - (2) the Temporary Order agreed to by the House on 2 February 2021 relating to the days and hours of meeting be amended to allow the meeting of the Council on a Tuesday to commence at 11.30 a.m.

Debate ensued.

Question — put and agreed to.

- 5 **ADDRESS TO HER MAJESTY THE QUEEN — DEATH OF HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH** — Ms Symes moved, by leave, That —
  - (1) the following resolution be agreed to by this House:

Her Majesty the Queen:

We, the Legislative Council of Victoria, in Parliament assembled, express our sympathy with Your Majesty and members of the Royal Family, in your sorrow at the death of His Royal Highness The Duke of Edinburgh. We acknowledge and pay tribute to his many years of service, and his devoted support of his family.
  - (2) the following Address to the Governor be agreed to by this House:

Governor:

We, the Members of the Legislative Council of Victoria, in Parliament assembled, respectfully request that you communicate the accompanying resolution to Her Majesty the Queen.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 6 **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:

- **Game Management Authority – duck hunting recommendations** — substantive question asked by Mr Meddick — response from Ms Tierney due Thursday, 6 May 2021.
- **Term of Family Violence Monitor** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Stitt due Thursday, 6 May 2021.
- **Belt and Road Initiative Agreement** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Thursday, 6 May 2021.
- **Council planning decisions** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Thursday, 6 May 2021.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**8 PETITIONS** —

**FUNDING TO FIX THE BOX HILL INTERCHANGE** — Dr Bach presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to commit to allocating the funding required to fix and upgrade the Box Hill Transit Interchange and provide plans and dates on when and how this will occur.

Ordered to lie on the Table.

On the motion of Dr Bach, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**CEASE BILLS STREET DEVELOPMENT IN HAWTHORN** — Ms Crozier presented a Petition bearing 178 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop the fast-tracked development of over 200 dwellings on Bills Street in Hawthorn and urgently undertake comprehensive consultation with the local community.

Ordered to lie on the Table.

On the motion of Ms Crozier, the petition was ordered to be taken into consideration on the next day of meeting.

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**POLICE STATION FOR WYNDHAM VALE AND MANOR LAKES** — Dr Cumming presented a Petition bearing 1,227 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Police and Emergency Services, the Premier and the Chief Commissioner of Police to facilitate the build of a police station in the areas of Wyndham Vale and Manor Lakes.

Ordered to lie on the Table.

On the motion of Dr Cumming, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**ABOLISH SUPPRESSION ORDERS** — Mr Grimley presented a Petition bearing 117 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abolish suppression orders entirely.

Ordered to lie on the Table.

On the motion of Mr Grimley, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**BAN FACTORY FARMS** — Mr Meddick presented a Petition bearing 1,314 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce and pass legislation to allow for a state-wide plebiscite on the issue of factory farming, so Victorians can vote against factory farming and avoid another zoonotic disease outbreak.

Ordered to lie on the Table.

On the motion of Mr Meddick, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**REJECT WASTE-TO-ENERGY PLANTS** — Dr Ratnam presented a Petition bearing 757 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject all active waste-to-energy applications and instead add and promote recycling programs, similar to Wangaratta where there has been great success with minimal contamination, and develop government, business and community recycling partnerships.

Ordered to lie on the Table.

On the motion of Dr Ratnam, the petition was ordered to be taken into consideration on the next day of meeting.

**9 VOLUNTARY ASSISTED DYING AMENDMENT (TELEHEALTH AND OTHER MATTERS) BILL 2021** — Mr Grimley introduced *A Bill for an Act to amend the Voluntary Assisted Dying Act 2017 to permit certain matters to be dealt with by means of audio visual communication and for other purposes.*

On the motion of Mr Grimley, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**10 PAPERS** —

**UNIVERSITY OF DIVINITY REPORT, 2020** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2020.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 5 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**IBAC — SPECIAL REPORT ON OPERATION MEROO: AN INVESTIGATION INTO ALLEGED CORRUPT CONDUCT BY A FORMER CEO OF A VICTORIAN REGIONAL HEALTH SERVICE** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, and following the transmission of the report on 30 April 2021, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Special report on Operation Meroo: An investigation into alleged corrupt conduct by a former CEO of a Victorian regional health service, April 2021.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Bendigo Kangan Institute — Report, 2020.

Box Hill Institute — Report, 2020.

Chisholm Institute — Report, 2020.

Deakin University — Report, 2020.

Federation University Australia — Report, 2020.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2020.

Holmesglen Institute — Report, 2020.

La Trobe University — Report, 2020.

Melbourne Polytechnic — Report, 2020.

Monash University — Report, 2020.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Melbourne Planning Scheme — Amendment C378.

Victoria Planning Provisions — Amendment VC185.

Royal Melbourne Institute of Technology (RMIT University) — Report, 2020.

South West Institute of TAFE — Report, 2020.

Statutory Rules under the following Acts of Parliament —

- Disability Service Safeguards Act 2018 — No. 40.
- Evidence (Miscellaneous Provisions) Act 1958 — No. 39.
- Magistrates' Court Act 1989 — No. 41.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 41.

Legislative instrument and related documents under section 16B in respect of an Order to declare a class of entities as specified entities of 10 April 2021, under the Financial Management Act 1994.

Sunraysia Institute of TAFE (SuniTAFE) — Report, 2020.

Swinburne University of Technology — Report, 2020.

TAFE Gippsland — Report, 2020.

GOTEC Limited (The Gordon) — Report, 2020.

The University of Melbourne — Report, 2020.

Victoria University — Report, 2020.

William Angliss Institute of TAFE — Report, 2020.

Wodonga Institute of TAFE — Report, 2020.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Parks and Crown Land Legislation Amendment Act 2020 — Remaining Provisions of Parts 3, 6 and 7 and Part 10 — 1 May 2021 (*Gazette No. S189, 27 April 2021*).

**11 PRODUCTION OF DOCUMENTS — DECISION TO IMPOSE A COVID-19 CURFEW —**

The Clerk laid on the Table a letter from the Attorney-General, dated 3 May 2021, in response to the Resolution of the Council of 16 September 2020 (on the motion of Mr Davis), and further to the Government's initial response of 18 September 2020, relating to the decision to impose a COVID-19 curfew, identifying 11 documents within the scope of the order, claiming Executive privilege over six documents in full and providing five documents, together with schedules of the identified documents.

**12 PRODUCTION OF DOCUMENTS — 2021 DUCK HUNTING SEASON —**

The Clerk laid on the Table a letter from the Attorney-General, dated 26 April 2021, in response to the Resolution of the Council of 17 March 2021 (on the motion of Mr Bourman), relating to the 2021 Duck Hunting Season, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**13 BUSINESS OF THE COUNCIL —** Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 5 May 2021 —

- (1) Order of the Day No. 2, second reading of the Emergency Powers Safeguards Legislation Amendment Bill 2021;
- (2) Notice of Motion No. 533 standing in the name of Ms Lovell on the production of documents relating to a review of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;
- (3) Order of the Day No. 52, resumption of debate on the motion calling for the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited;
- (4) the notice of motion given this day by Mr Quilty on payroll tax;
- (5) the notice of motion given this day by Dr Ratnam on group voting tickets;
- (6) the notice of motion given this day by Dr Ratnam on implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody; and
- (7) Notice of Motion No. 474 standing in the name of Ms Patten on implementing petition reform.

Question — put and agreed to.

**14 MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447, be postponed until later this day.

**16 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (ARBITRATION) BILL 2021** — 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.

Ms Stitt moved, That the Bill be now read a third time.

Mr Rich-Phillips moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill not be read a third time until a statement under section 85(5) of the *Constitution Act 1975* explaining how the Bill limits the jurisdiction of the Supreme Court as proposed by clause 35, which proposes to insert a new section 301Z into the Principal Act, has been made.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put and negatived.

Question — That the Bill be now read a third time and do pass — put and 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.

**17 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.39 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 103 — Wednesday, 5 May 2021

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General’s Report on Implementing a New Infringements Management System, May 2021 (*Ordered to be published*).

Falls Creek Alpine Resort Management Board — Minister’s report of failure to submit the 2020-21 report, together with an explanation for the delay.

Mount Buller and Mount Stirling Alpine Resort Management Board — Minister’s report of failure to submit the 2020-21 report, together with an explanation for the delay.

Mount Hotham Alpine Resort Management Board — Minister’s report of failure to submit the 2020-21 report, together with an explanation for the delay.

Southern Alpine Resort Management Board — Minister’s report of failure to submit the 2020-21 report, together with an explanation for the delay.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 32, 39 and 40.

**3 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 4 EMERGENCY POWERS SAFEGUARDS LEGISLATION AMENDMENT BILL 2021** — Mr Quilty laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Quilty moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

- 5 PRODUCTION OF DOCUMENTS — REVIEW OF DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION IN THE COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE** — Ms Lovell moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, the Victorian Equal Opportunity and Human Rights Commission's review into the nature, prevalence, drivers and impacts of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade (MFB) as was briefed to the Government and the Board of the MFB in January 2018.

Debate ensued.

Question — put and agreed to.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until later this day.

- 7 PAYROLL TAX** — Mr Quilty moved, That this House notes that —

- (1) a recent report from the Australian Taxpayers' Alliance calculates that the total cost of taxes paid by Victorians earning minimum wage equates to 56 per cent of their income;
- (2) payroll tax alone costs Victoria's minimum wage workers \$1,858 a year, which equates to \$35.73 a week;
- (3) payroll tax is a tax on jobs and that the costs of payroll tax are passed on through lower wages, lower employment, and higher prices for goods and services;
- (4) in 2007, Sweden reduced its payroll taxes which created 18,100 new jobs and increased wages;

and calls on the Government to support working Australians by reducing payroll tax.

Debate ensued.

*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.

**HOTEL QUARANTINE SAFETY STANDARDS** — Ms Stitt having given answers to a question without notice and supplementary question relating to hotel quarantine safety standards —

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.

**HOTEL QUARANTINE SAFETY INQUIRY** — Ms Stitt having given answers to a question without notice and supplementary question relating to the Hotel Quarantine Safety Inquiry —

On the motion of Mr Davis, 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.

**HOTEL QUARANTINE AIR CONDITIONER SAFETY** — Ms Stitt having given answers to a question without notice and supplementary question relating to hotel quarantine air conditioner safety —

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:

- **Timber harvesting** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 7 May 2021.

- **Hotel quarantine safety standards** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 6 May 2021.
- **Duck hunting data** — substantive question asked by Mr Meddick — response from Ms Tierney due Friday, 7 May 2021.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**10 PAYROLL TAX** — Debate continued on the question, That this House notes that —

- (1) a recent report from the Australian Taxpayers' Alliance calculates that the total cost of taxes paid by Victorians earning minimum wage equates to 56 per cent of their income;
- (2) payroll tax alone costs Victoria's minimum wage workers \$1,858 a year, which equates to \$35.73 a week;
- (3) payroll tax is a tax on jobs and that the costs of payroll tax are passed on through lower wages, lower employment, and higher prices for goods and services;
- (4) in 2007, Sweden reduced its payroll taxes which created 18,100 new jobs and increased wages;

and calls on the Government to support working Australians by reducing payroll tax.

Question — put and agreed to.

**11 GROUP VOTING TICKETS** — Dr Ratnam moved, That this House —

- (1) notes that in a representative democracy like Victoria, the will of the people should be reflected by the elected Members of Parliament;
- (2) acknowledges that the use of group voting tickets in the election of Members of the Legislative Council is unfair and unrepresentative as it allows for parties that are not representative of the voters to be elected, for example —
  - (a) the recent election of the Daylight Savings Party in Western Australia with 98 first preference votes or 0.2 per cent of the vote;
  - (b) the election of the Transport Matters Party to the Eastern Metropolitan Region on 0.6 per cent of first preference votes at the 2018 Victorian election;
  - (c) the election of the Liberal Democrats Party to the South Eastern Metropolitan Region on 0.8 per cent of first preference votes at the 2018 Victorian election;
- (3) condemns the practice of 'preference whispering', whether for payment or not, whereby micro-party preferences are manipulated to deliberately produce unrepresentative outcomes;

and calls on the Government to introduce reforms to the voting system for the Legislative Council to remove group voting tickets and ensure greater democratic representation in the Victorian Parliament in time for the 2022 Victorian State election.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 1

Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 37

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlami; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 546, be postponed until later this day.

**13 PROCEDURE COMMITTEE — INQUIRY INTO PETITION REFORM** — Ms Patten moved, That this House —

- (1) recognises that —
  - (a) the ability to petition the Parliament is a right of all Victorian citizens;
  - (b) petitions are the only way an individual or group of citizens can directly place grievances before the Parliament;
  - (c) petitions provide an important tool for improving community engagement with the political process;
- (2) notes that —
  - (a) a petition is a citizen's request for action but once a copy of the petition has been referred to a Minister by the Clerk, no further action is required, which is a flaw in the parliamentary system of democracy;
  - (b) the Australian House of Representatives has a Standing Committee on Petitions which receives and processes petitions on behalf of the House and is able to inquire into and report on matters relating to petitions following their tabling;
  - (c) the process for petitions in the Victorian Parliament requires urgent reform;
- (3) requires the Procedure Committee to inquire into, consider and report by Friday, 20 August 2021, on any Sessional or Standing Order changes that would provide reform of petitions, including appropriate measures to require the —
  - (a) relevant Minister to table a written response to a petition within 14 days of it being tabled in the House;
  - (b) Legislative Council to debate the issue raised in a petition upon reaching a certain threshold of petitioners that is to be fixed by the House;

and calls on the Government to implement petition reform no later than 16 September 2021.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Davis.*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Mr Leane 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 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 104 — Thursday, 6 May 2021

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITIONS —**

**REVISE TIMELINE FOR STAGE 2 OF THE HURSTBRIDGE LINE UPGRADE** — Mr Atkinson presented a Petition bearing 192 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Transport Infrastructure and the Minister for the Suburban Rail Loop, the Hon Jacinta Allan MP, to direct the Level Crossing Removal Project (LXRP) team to revise the project timeline for Stage 2 of the Hurstbridge Line Upgrade Project to allow the community and LXRP to work together to develop the best possible design for their local station and environment.

Ordered to lie on the Table.

On the motion of Mr Atkinson, the petition was ordered to be taken into consideration on the next day of meeting.



**END NAPLAN IN VICTORIAN SCHOOLS** — Dr Ratnam presented a Petition bearing 250 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to renegotiate the bilateral agreement with the Commonwealth Government so that Victorian schools are no longer bound under the terms of that agreement to take part in the National Assessment Program – Language and Numeracy (NAPLAN), and call on the Department of Education and Training to mandate that schools take action to inform parents that they can opt their children out of NAPLAN with no adverse consequences on their child's education.

Ordered to lie on the Table.

On the motion of Dr Ratnam, the petition was ordered to be taken into consideration on the next day of meeting.

**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:

Crimes (Assumed Identities) Act 2004 — Report, 2019-20, by the Independent Broad-based Anti-corruption Commission, under section 31 of the Act.

Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2020 (*Ordered to be published*).

Land Tax Act 2005 — Treasurer's Report for 1 July 2020 to 31 December 2020 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 25 May 2021.

Question — put and agreed to.

**5 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA** — Dr Kieu moved, by leave, That the Resolutions of the Council of 30 May 2019, 13 November 2019 and 16 June 2020, requiring the Legal and Social Issues Committee to inquire into, consider and report on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 5 August 2021.

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. 438 to 447, be postponed until later this day.

**8 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — 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 —*

**9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**TAFE FUNDING** — Ms Tierney having given a Minister's Statement relating to TAFE funding — On the motion of Dr Bach, by leave, the Minister's Statement was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice and Ministers' Statements continued.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Premier's office – staffing matter** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Symes due Monday, 10 May 2021.
- **Homelessness funding – Federal Government** — substantive question asked by Mr Barton — response from Ms Stitt due Monday, 10 May 2021.
- **COVID-19 checks at Tullamarine Airport** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Monday, 10 May 2021.

- **Fines revenue write-offs** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 7 May 2021.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to questions without notice pursuant to Sessional Order 14 as follows:

- **Belt and Road Initiative Agreement** — substantive and supplementary questions asked by Mr Davis on Tuesday, 4 May 2021 — response from Ms Symes due Monday, 10 May 2021.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**11 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — 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 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 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2020** — 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.

**13 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:

In Clause 11, sub-clause 2, line 16, insert a close bracket, changing (b to (b).

**14 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Tierney moved, by leave, That Ms Shing and Ms Vaghela be participating members of the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

Mr Davis moved, by leave, That Mr O'Donohue be a participating member of the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

**15 NON-EMERGENCY PATIENT TRANSPORT AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Non-Emergency Patient Transport Act 2003 to introduce a licensing scheme for first aid operators, to make further provision for the regulation of non-emergency patient transport to and from medical services and to make consequential and related amendments to other Acts* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 16 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Road Management Act 2004, the Road Safety Act 1986, the Transport Integration Act 2010, the Transport Legislation Amendment Act 2020, the Victorian Fisheries Authority Act 2016 and to make related and miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 17 ZERO AND LOW EMISSION VEHICLE DISTANCE-BASED CHARGE BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to require registered operators of zero and low emission vehicles to pay a charge for use of the vehicles on certain roads and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney 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.

- 18 ADJOURNMENT** — Ms Tierney 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 6.30 p.m., adjourned until Tuesday, 25 May 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 102, 103 and 104

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### **WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (ARBITRATION) BILL 2021**

*Committed Tuesday, 4 May 2021*

**Clauses 1 to 47** — put and agreed to.

**Bill reported without amendment.**

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### **CEMETERIES AND CREMATORIA AMENDMENT BILL 2021**

*Committed Thursday, 6 May 2021*

**Clauses 1 to 17** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2020**

*Committed Thursday, 6 May 2021*

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 105 and 106

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#### No. 105 — Tuesday, 25 May 2021

- 1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
    - On 11 May 2021 —
      - Industrial Relations Legislation Amendment Act 2021*
      - Workplace Injury Rehabilitation and Compensation Amendment (Arbitration) Act 2021*
    - On 18 May 2021 —
      - Cemeteries and Crematoria Amendment Act 2021*
      - Drugs, Poisons and Controlled Substances Amendment Act 2021.*
  - 3 **GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING TAX) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to increase the rate of wagering and betting tax and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
  - 4 **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.

\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
- **Spinal muscular atrophy testing** — substantive question asked by Mr Barton — response from Ms Symes due Thursday, 27 May 2021.
  - **Building cladding expenses** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Thursday, 27 May 2021.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
  - 6 **PETITIONS** —
    - BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 2,250 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**CEASE BILLS STREET DEVELOPMENT IN HAWTHORN** — Ms Crozier presented a Petition bearing 181 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop the fast-tracked development of over 200 dwellings on Bills Street in Hawthorn and urgently undertake comprehensive consultation with the local community.

Ordered to lie on the Table.

\* \* \* \* \*

**SAFE ACCESS TO WONTHAGGI SECONDARY COLLEGE** — Mr O'Donohue presented a Petition bearing 176 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund and build, as a matter of urgency, the necessary infrastructure to ensure students, parents and the broader school community have safe access to the new junior secondary campus at Wonthaggi Secondary College in San Remo, when it opens in 2022.

Ordered to lie on the Table.

\* \* \* \* \*

**NO LOGGING NEAR RECREATIONAL ROADS AND TRACKS** — Dr Ratnam presented a Petition bearing 600 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease plans to log coupes near recreational roads and tracks.

Ordered to lie on the Table.

- 7 BAIL AMENDMENT (REDUCING PRE-TRIAL IMPRISONMENT OF WOMEN, ABORIGINAL, AND VULNERABLE PERSONS) BILL 2021** — Dr Ratnam introduced *A Bill for an Act to amend the Bail Act 1977 to simplify the process of granting bail, to make related amendments to that Act and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**8 PAPERS —**

**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 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2019-20 FINANCIAL AND PERFORMANCE OUTCOMES** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report on the 2019-20 financial and performance outcomes (including Extracts of Proceedings) from the Public Accounts and Estimates Committee, and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Taylor moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008* and following the transmission of the report on 12 May 2021, the Clerk laid on the Table a copy of the 14<sup>th</sup> Report to Parliament on Extension of the Declaration of the the State of Emergency.

**OMBUDSMAN — INVESTIGATION INTO HOW LOCAL COUNCILS RESPOND TO RATEPAYERS IN FINANCIAL HARDSHIP** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973* and following the transmission of the report on 17 May 2021, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into how local councils respond to ratepayers in financial hardship, May 2021.



**BUDGET PAPERS, 2021-22** — Pursuant to section 27E of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2021-22 —

- (a) Budget Paper No. 2 – Strategy and Outlook;
- (b) Budget Paper No. 3 – Service Delivery; and
- (c) Budget Paper No. 5 – Statement of Finances (incorporating Quarterly Financial Report No. 3).

Ms Symes moved, by leave, That there be laid before this House a copy of the 2021-22 —

- (a) Budget Paper No. 1 – Treasurer’s Speech;
- (b) Budget Paper No. 4 – State Capital Program;
- (c) Budget Overview;
- (d) Budget Information Paper – Rural and Regional;
- (e) Budget Information Paper – Suburban; and
- (f) Budget Information Paper – Gender Equality Budget Statement.

Question — put and agreed to.

The papers were presented by Ms Symes and ordered to lie on the Table.

On the motion of Ms Symes, the Budget Papers, 2021-22 were ordered to be taken into consideration on the next day of meeting.

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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:

Central Highlands Rural Health — Report, 2019-20, together with an explanation for the delay.

Crown Land (Reserves) Act 1978 — Order of 13 April 2021 giving approval to the granting of a licence at Gresswell Forest (Part B) Nature Conservation Reserve.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Ballarat Planning Scheme — Amendment C229.
- Banyule Planning Scheme — Amendment C161.
- Benalla Planning Scheme — Amendment C39.
- Buloke Planning Scheme — Amendment C42.
- Cardinia Planning Scheme — Amendment C269.
- Casey Planning Scheme — Amendments C207 (Part 1) and C231.
- Colac Otway Planning Scheme — Amendment C99.
- East Gippsland Planning Scheme — Amendment C151.
- Glen Eira Planning Scheme — Amendment C217.
- Golden Plains Planning Scheme — Amendments C93 and C95.
- Greater Bendigo Planning Scheme — Amendment C265.
- Greater Geelong Planning Scheme — Amendments C393, C395, C410 and C430.
- Greater Shepparton Planning Scheme — Amendment C230.
- Hobsons Bay Planning Scheme — Amendment C130.
- Kingston Planning Scheme — Amendment C180.
- Loddon Planning Scheme — Amendment C42.
- Manningham Planning Scheme — Amendment C130.
- Melbourne Planning Scheme — Amendment C406.
- Mitchell Planning Scheme — Amendment C139.
- Monash Planning Scheme — Amendment C164.
- Mount Alexander Planning Scheme — Amendment C95.
- Nillumbik Planning Scheme — Amendment C134.
- Port Phillip Planning Scheme — Amendment C175.
- Pyrenees Planning Scheme — Amendment C48.
- Strathbogie Planning Scheme — Amendment C82.
- Victoria Planning Provisions — Amendment VC198.
- Wangaratta Planning Scheme — Amendment C77.
- Wodonga Planning Scheme — Amendment C132.
- Yarra Planning Scheme — Amendment C223.

State Owned Enterprises Act 1992 — Constitution of Breakthrough Victoria Pty Ltd, under section 75(a) of the Act.

Statutory Rules under the following Acts of Parliament —

Forests Act 1958 — No. 44.

Petroleum Act 1998 — No. 45.

Public Health and Wellbeing Act 2008 — No. 43.

Surveillance Devices Act 1999 — No. 42.

Transport Accident Act 1986 — No. 46.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 42, 43 and 46.

Legislative instruments and related documents under section 16B in respect of —

Minister's Order of 27 April 2021 declaring certain public land and water to be the Great Ocean Road coast and parks, under the Great Ocean Road and Environs Protection Act 2020.

Ministerial Order No. 1324 – Amending Ministerial Order No. 870 – Child Safe Standards – Managing the Risk of Abuse in Schools of 29 April 2021, under the Education and Training Reform Act 2006.

Ministerial Order No. 1325 – Amending Ministerial Order No. 706 – Anaphylaxis Management in Victorian Schools of 29 April 2021, under the Education and Training Reform Act 2006.

Secretary Approval: Pharmacist Immuniser — SARS-CoV-2 (COVID-19) Vaccine of 3 May 2021, under the Drugs, Poisons and Controlled Substances Act 1981.

Wildlife Act 1975 —

Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette No. G18, 6 May 2021*).

Wildlife (Prohibition of Game Hunting) Notice No. 3 (*Gazette No. S239, 21 May 2021*).

## **9 PRODUCTION OF DOCUMENTS — REVIEW OF DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION IN THE COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE**

— The Clerk laid on the Table a letter from the Attorney-General, dated 19 May 2021, in response to the Resolution of the Council of 5 May 2021 (on the motion of Ms Lovell), relating to the Review of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade, advising that the Government does not hold a copy of the Review and that the Victorian Equal Opportunity and Human Rights Commission have advised that it cannot provide a copy of the Review to the Government due to Orders made by the Court of Appeal on 4 October 2018 in *UFU v VEOHRC* [2018] VSCA 252.

## **10 BUSINESS OF THE COUNCIL** — Ms Maxwell moved, by leave, That precedence be given to the following General Business on Wednesday, 26 May 2021 —

- (1) Order of the Day No. 3, second reading of the Children, Youth and Families (Raise the Age) Amendment Bill 2021;
- (2) the notice of motion given this day by Ms Maxwell on victims of crime assistance;
- (3) the notice of motion given this day by Ms Maxwell on child pornography and child exploitation;
- (4) Notice of Motion No. 557 standing in the name of Dr Cumming on complementary therapies;
- (5) the notice of motion given this day by Dr Cumming on changes to the recording of life events by Births, Deaths and Marriages;
- (6) Notice of Motion No. 542 standing in the name of Mr Davis calling for the production of documents relating to Victoria working with Beijing on infrastructure projects through public-private partnerships;
- (7) Order of the Day No. 50, resumption of debate on the motion calling for the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited; and
- (8) the notice of motion given this day by Ms Patten acknowledging 'National Sorry Day'.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 ZERO AND LOW EMISSION VEHICLE DISTANCE-BASED CHARGE BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments and Suggested Amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Symes 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, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING TAX) BILL 2021** — Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt 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.

**14 ADJOURNMENT** — Ms Stitt 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 8.23 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

**No. 106 — Wednesday, 26 May 2021**

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITIONS** —

**AMEND THE 2021 DUCK SEASON** — Mr Bourman presented a Petition bearing 1,793 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Agriculture to amend the 2021 duck season to be extended for a full season of 87 days with a full bag of ten birds per day.

Ordered to lie on the Table.

\* \* \* \* \*

**BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 644 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

**3 PAPERS** —

**VICTORIAN HEALTH BUILDING AUTHORITY NEW FOOTSCRAY HOSPITAL PROJECT — PROJECT SUMMARY, MAY 2021** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Health Building Authority's New Footscray Hospital Project — Project Summary, May 2021.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

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**YORTA YORTA TRADITIONAL OWNER LAND MANAGEMENT BOARD, REPORT 2017-18** — Mr Leane moved, by leave, That there be laid before this House a copy of the Yorta Yorta Traditional Owner Land Management Board Report, 2017-18.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Measuring and Reporting on Service Delivery, May 2021 (*Ordered to be published*).

Lower Murray Urban and Rural Water Corporation — Report, 2019-20 (*in lieu of that tabled on 10 December 2020*).

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Public Health and Wellbeing Amendment Act 2021 — Whole Act — 1 July 2021 (*Gazette No. S243, 25 May 2021*).

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 8 June 2021.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 CHILDREN, YOUTH AND FAMILIES (RAISE THE AGE) AMENDMENT BILL 2021** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**7 VICTIMS OF CRIME** — Ms Maxwell moved, That this House notes —

- (1) the extensive and long lasting physical, psychological and financial impacts frequently experienced by victims of crime;
  - (2) the importance of a comprehensive, well-structured and easily accessible system of state assistance for victims of crime that encompasses forms of support and care, including counselling, that are particularly responsive to victims' individual needs and priorities;
  - (3) the urgent need to substantially revamp assistance to victims of crime in Victoria which has been identified on many occasions, including in the Victorian Law Reform Commission's 2018 report on the *Review of the Victims of Crime Assistance Act 1996*, and as part of other formal government review processes dating back to 2009;
  - (4) the imperative for new, simplified victims of crime award categories in the *Victims of Crime Assistance Act 1996*, that better define who should receive assistance and in what forms;
  - (5) the complementary need for enhanced, specialised child focused services that will lead to better healing and recovery for children and young people who are victims of crime;
- and calls on the Government to expedite its response to the Victorian Law Reform Commission's Review, especially in relation to the implementation of the critically important recommendations under Chapter 13 of the Review on restructured forms of assistance.

Debate ensued.

Question — put and agreed to.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 568, be postponed until later this day.

**9 COMPLEMENTARY THERAPIES** — Dr Cumming moved, That this House —

- (1) recognises the increasing financial burden on the Victorian health system from preventable illnesses and the COVID-19 pandemic;
- (2) notes that complementary therapies —
  - (a) demonstrate effectiveness in areas of burden to the health system;
  - (b) is a sector worth \$9 billion that supports domestic jobs, farming, manufacturing, research and exports;
  - (c) are often cost effective and less invasive;
- (3) further notes that all levels of Government have a role in —
  - (a) acknowledging and meeting user demands with safe and reliable choices;
  - (b) ensuring key health policies address complementary therapies;
  - (c) ensuring that all health practitioners are appropriately trained and registered;
  - (d) providing up to date and accurate information to consumers about their choices for different types of products and treatments;
  - (e) rigorously reviewing and evaluating the safety of new products and treatments and their benefits;
- (4) calls on the Department of Health to provide —
  - (a) strong and up-to-date advice for consumers regarding effectiveness and safety of complementary therapies; and
  - (b) fact sheets on complementary therapies, including indigenous medicine, to improve public awareness.

*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.

**MEDICALLY SUPERVISED INJECTING CENTRE IN CITY OF MELBOURNE** — Mr Leane having given an answer to a supplementary question relating to a medically supervised injecting centre in the City of Melbourne —

On the motion of Ms Crozier, the Minister's answer was 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:

- **Hotel quarantine program costs** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 28 May 2021.
- **Pink eared ducks** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 28 May 2021.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

- 12 COMPLEMENTARY THERAPIES** — Debate continued on the question, That this House —
- (1) recognises the increasing financial burden on the Victorian health system from preventable illnesses and the COVID-19 pandemic;
  - (2) notes that complementary therapies —
    - (a) demonstrate effectiveness in areas of burden to the health system;
    - (b) is a sector worth \$9 billion that supports domestic jobs, farming, manufacturing, research and exports;
    - (c) are often cost effective and less invasive;
  - (3) further notes that all levels of Government have a role in —
    - (a) acknowledging and meeting user demands with safe and reliable choices;
    - (b) ensuring key health policies address complementary therapies;
    - (c) ensuring that all health practitioners are appropriately trained and registered;
    - (d) providing up to date and accurate information to consumers about their choices for different types of products and treatments;
    - (e) rigorously reviewing and evaluating the safety of new products and treatments and their benefits;
  - (4) calls on the Department of Health to provide —
    - (a) strong and up-to-date advice for consumers regarding effectiveness and safety of complementary therapies; and
    - (b) fact sheets on complementary therapies, including indigenous medicine, to improve public awareness.

Question — put and agreed to.

- 13 BIRTHS, DEATHS AND MARRIAGES VICTORIA** — Dr Cumming moved, That this House —
- (1) recognises that —
    - (a) the life events recorded by Births, Deaths and Marriages Victoria relate to some of the most significant moments of a Victorian's life;
    - (b) life events are central to each person's identity;
    - (c) language and terminology used on government forms can have a lasting impact on individuals;
  - (2) notes that while there have been progressive updates to how life events are recorded in Victoria, there are still significant areas where legislation, regulation or practices could better reflect modern family structures and how an individual would like their birth, death or relationship recognised;
  - (3) calls on the Government to consider —
    - (a) broadening the scope of terms that can be used to describe the relationship status of a deceased person and their partner on their death certificate;

- (b) reviewing the *Status of Children Act 1974* to enable multiple parents to be recorded on their child's birth certificate, including a provision to acknowledge a sperm or egg donor and their parental roles;
- (c) examining potential changes to the language used for people who are divorced, to ensure their personal preferences are best accommodated;
- (4) calls on the Government to ensure that —
  - (a) language used by Births, Deaths and Marriages Victoria offers Victorians a choice on how they wish to recognise their life events; and
  - (b) the changes provide certainty that family structures will be formally recognised in government documents.

Debate ensued.

Question — put and agreed to.

- 14 PRODUCTION OF DOCUMENTS — MEMORANDUM OF UNDERSTANDING WITH CHINA'S NATIONAL DEVELOPMENT AND REFORM COMMISSION** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, the memorandum of understanding with China's National Development and Reform Commission, signed by the Victorian Government in March 2017, committing Victoria to working with Beijing on infrastructure projects through public-private partnerships.

Debate ensued.

Question — put and agreed to.

- 15 PRODUCTION OF DOCUMENTS — CRRC CHANGCHUN RAILWAY VEHICLES COMPANY LIMITED** — Debate resumed on the question, That this House —

- (1) notes that —
  - (a) part of the Evolution Rail consortium awarded the contract to deliver the High Capacity Metro Trains is CRRC Changchun Railway Vehicles Company Limited, linked to the use of Uyghur slave labour;
  - (b) CRRC Changchun Railway Vehicles Company Limited is also part of the Chinese Government's Belt and Road Initiative;
  - (c) more than a million Uyghurs and members of other Turkic Muslim minorities have allegedly disappeared into a vast network of 're-education camps';
  - (d) factories in China are allegedly sourcing Uyghur workers from the 're-education camps' under a government-led labour transfer scheme;
  - (e) the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, confirmed on ABC radio on 5 October 2020, that she was aware of these allegations and has sought advice from the Department of Transport about whether they were true;
  - (f) the Minister for Transport Infrastructure said the advice received from the Department of Transport about these allegations were untrue and the Minister did not indicate that CRRC Changchun Railway Vehicles Company Limited was not using Uyghur slave labour in other contracts and constructions; and
- (2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before Wednesday, 14 April 2021, any advice received by the Minister for Transport Infrastructure from the Department of Transport, which she referred to in the ABC radio interview on 5 October 2020, relating to allegations that CRRC Changchun Railway Vehicles Company Limited were using Uyghur slave labour in the High Capacity Metro construction.

Mr Davis moved, as an amendment, That in paragraph (2) **omit** the words "on or before Wednesday, 14 April 2021" and **insert** the following in their place "within 14 calendar days of the House agreeing to this resolution".

Debate ensued.

On the motion of Mr Finn, the debate was adjourned until later this day.

- 16 ACKNOWLEDGING 'NATIONAL SORRY DAY'** — Ms Patten moved, That this House —

- (1) acknowledges that Wednesday, 26 May is 'National Sorry Day', where we remember and recognise the Aboriginal and Torres Strait Islander people who were forcibly removed from their families and communities, which we now refer to as 'The Stolen Generations'; and

- (2) urges all Members to reflect on how we can all play a part in the healing process for our First Nations peoples, our nation and for all Stolen Generation survivors.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Dr Ratnam.*

- 17 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 18 APPROPRIATION (2021-2022) BILL 2021** — The Acting 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 2021/2022 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Finn, the debate was adjourned for one week.
- 19 APPROPRIATION (PARLIAMENT 2021-2022) BILL 2021** — The Acting 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 2021/2022 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Finn, the debate was adjourned for one week.
- 20 STATE TAXATION AND MENTAL HEALTH ACTS AMENDMENT BILL 2021** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Mental Health Act 2014 and the Payroll Tax Act 2007 and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Finn, the debate was adjourned for one week.
- 21 COGNATE DEBATE — APPROPRIATION (2021-2022) BILL 2021 AND BUDGET PAPERS, 2021-22** — Ms Pulford moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2021-2022) Bill 2021 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2021-22, contingent on such a motion being moved.
- Question — put and agreed to.



**22 ADJOURNMENT** — Ms Pulford 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 6.01 p.m., adjourned until Tuesday, 8 June 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 105 and 106

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### ZERO AND LOW EMISSION VEHICLE DISTANCE-BASED CHARGE BILL 2021

*Committed Tuesday, 25 May 2021*

*Amendments and Suggested Amendments circulated: Dr Ratnam (p. 777)*

**Clause 1** — put and agreed to.

**Clause 2** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 2 — put and agreed to.

**Clause 3** — Dr Ratnam moved Suggested Amendment No. 2.

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Dr Cumming; Mr Hayes; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 6** — put and agreed to.

**Clause 7** — no question put pursuant to Standing Order 14.15(2).

**Clause 8** — Dr Ratnam moved Suggested Amendment Nos. 3 and 4.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 14

Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 8 and 9** — no question put pursuant to Standing Order 14.15(2).

**Clauses 10 to 76** — put and agreed to.

**Clause 77** — no question put pursuant to Standing Order 14.15(2).

**Clauses 78 to 81** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. ZERO AND LOW EMISSION VEHICLE DISTANCE-BASED CHARGE BILL 2021****Amendments and Suggested Amendments circulated by Dr Ratnam**

1. Clause 2, line 7, omit "2021" and insert "2025".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 3, after line 27 insert—  

"(aa) a motor vehicle in respect of which the luxury car tax under the A New Tax System (Luxury Car Tax) Act 1999 of the Commonwealth has never been payable; or".
3. **Suggested amendment to the Legislative Assembly -**  
Clause 8, line 14, omit "2.5" and insert "0.0".
4. **Suggested amendment to the Legislative Assembly -**  
Clause 8, line 16, omit "2.0" and insert "0.0".
5. Clause 81, line 20, omit "2022" and insert "2026".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 107, 108 and 109

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#### No. 107 — Tuesday, 8 June 2021

- 1 The President took the Chair at 11.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 1 June 2021, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:  
*Zero and Low Emission Vehicle Distance-based Charge Act 2021.*
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the House resolves otherwise —
  1. **Definition of Chamber**  
The lower public galleries and the President's lower galleries are taken to be part of the Legislative Council Chamber.
  2. **Discretion in ringing the bells to form a quorum**
    - (1) At the start of each day a quorum of 14 members must be present in the Chamber in order for the President to take the Chair and the sitting to proceed.
    - (2) To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.
  3. **Members may incorporate their speeches for bills**
    - (1) If a Member wishes to incorporate their speech for the debate of the second reading of any bills debated they must electronically provide their speech to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the time the House adjourns on the day the bill was debated.
    - (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
    - (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

Question — put and agreed to.
- 4 **INTEGRITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — The President read a letter from Mr Stephen McGhie, Member for Melton, resigning from the Integrity and Oversight Committee, effective from Monday, 7 June 2021.

**5 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**SOLE TRADER FINANCIAL SUPPORT** — Ms Pulford having given answers to a question without notice and supplementary question relating to sole trader financial support —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Vaccination rates for the Departmental staff of the Minister for Small Business** — substantive question asked by Mr Davis — response from Ms Pulford due Wednesday, 9 June 2021.
- **Public housing COVID-19 information** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Thursday, 10 June 2021.
- **Funding for medically supervised injection centres** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 10 June 2021.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 7 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 9 May 2021 giving approval to the granting of a licence over Alexandra Gardens Reserve.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Bayside Planning Scheme — Amendment C181.
- Benalla Planning Scheme — Amendment C33.
- Casey Planning Scheme — Amendment C283.
- Central Goldfields Planning Scheme — Amendment C28.
- Corangamite Planning Scheme — Amendment C54.
- Darebin Planning Scheme — Amendment C185.
- Gannawarra Planning Scheme — Amendment C44.
- Glenelg Planning Scheme — Amendment C99.
- Latrobe Planning Scheme — Amendments C122 and C128.
- Melton Planning Scheme — Amendment C198.
- Moonee Valley Planning Scheme — Amendment C220.
- Surf Coast Planning Scheme — Amendment C135.
- Victoria Planning Provisions — Amendment VC189.
- West Wimmera Planning Scheme — Amendment C36.
- Yarra Ranges Planning Scheme — Amendment C187.

Statutory Rules under the following Acts of Parliament —

- Dangerous Goods Act 1985 — No. 49.
- Environment Protection Act 2017 — Nos. 47 and 48.
- Land Acquisition and Compensation Act 1986 — No. 50.
- Public Health and Wellbeing Act 2008 — No. 51.

Subordinate Legislation Act 1994 —

- Documents under section 15 in respect of Statutory Rule Nos. 44, 49 and 51.



Legislative instrument and related documents under section 16B in respect of Code of Conduct for Professional Engineers of 27 May 2021, under the Professional Engineers Registration Act 2019.

**8 BUSINESS OF THE COUNCIL** — Mr Quilty moved, by leave, That precedence be given to the following General Business on Wednesday, 9 June 2021 —

- (1) Order of the Day No. 3, resumption of debate on the second reading of the Emergency Powers Safeguards Legislation Amendment Bill 2021;
- (2) Notice of Motion No. 574 standing in the name of Mr Davis revoking Hume Planning Scheme Amendment C248;
- (3) the notice of motion given this day by Mr Davis on the release of health advice that has led to the COVID-19 lockdowns;
- (4) Notice of Motion No. 532 standing in the name of Mr Hayes on foreign property investors and money laundering in real estate;
- (5) Notice of Motion No. 543 standing in the name of Mr Hayes on protecting Melbourne's green wedges; and
- (6) Notice of Motion No. 552 standing in the name of Mr Grimley referring a matter to the Procedure Committee relating to photography in the Chamber.

Question — put and agreed to.

**9 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA** — Ms Terpstra moved, by leave, That the resolution of the Council of 30 October 2019 and 17 March 2021 and the resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 30 September 2021, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, be amended so as to now require the Committee to present its report by 31 October 2021.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING TAX) BILL 2021** — 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 STATE TAXATION AND MENTAL HEALTH ACTS AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments and Suggested Amendments proposed to be moved in Committee by Dr Bach and Dr Ratnam were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

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 —*

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Symes 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, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 ADJOURNMENT** — Ms Tierney 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 8.29 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## **No. 108 — Wednesday, 9 June 2021**

**1** The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITION — BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 241 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

**3 PUBLIC HEALTH AND WELLBEING AMENDMENT (GREATER TRANSPARENCY AND ACCOUNTABILITY) BILL 2021** — Ms Crozier introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for the tabling in Parliament of documents relating to the making of certain instruments that affect the activities of members of the community, and for other purposes.*

On the motion of Ms Crozier, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Crozier laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Crozier moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commission for Children and Young People — Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system (*Ordered to be published*).

Ombudsman — Investigation into Melton City Council's engagement of IT company, MK Datanet Pty Ltd, June 2021 (*Ordered to be published*).

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records scheduled for inspection for the period March 2020 to September 2020.

**5 PRODUCTION OF DOCUMENTS — MEMORANDUM OF UNDERSTANDING WITH CHINA'S NATIONAL DEVELOPMENT AND REFORM COMMISSION** — The Clerk laid on the Table a letter from the Attorney-General, dated 8 June 2021, and a schedule of the document identified by the Government over which a claim of Executive Privilege has been made on the basis that disclosure would jeopardise the public interest by prejudicing diplomatic relations, in response to the Resolution of the Council of 26 May 2021 (on the motion of Mr Davis), relating to the Memorandum of Understanding with China's National Development and Reform Commission.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 EMERGENCY POWERS SAFEGUARDS LEGISLATION AMENDMENT BILL 2021** — 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 ordered to be committed to a Committee of the whole later this day.

**8 REVOCATION OF HUME PLANNING SCHEME AMENDMENT C248** — Mr Finn (for Mr Davis) moved, That this House revokes Hume Planning Scheme Amendment C248, pursuant to section 38(2) of the *Planning and Environment Act 1987*.

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Men's Behaviour Change Programs** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 11 June 2021.
- **Transport projects cost overruns** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 11 June 2021.
- **Chief Health Officer** — supplementary question asked by Mr O'Donohue — response from Ms Symes due Thursday, 10 June 2021.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**11 REVOCATION OF HUME PLANNING SCHEME AMENDMENT C248** — Debate continued on the question, That this House revokes Hume Planning Scheme Amendment C248, pursuant to section 38(2) of the *Planning and Environment Act 1987*.

Question — put.

The Council divided — The President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 576, be postponed until later this day.

**13 FOREIGN PROPERTY INVESTORS AND MONEY LAUNDERING IN REAL ESTATE** —

Mr Hayes moved, That this House —

- (1) notes that the Government is assisting foreign purchasers to buy property in Victoria by allowing them access to the waiver on land transfer duty;
- (2) further notes that —
  - (a) Victoria's vacant property tax has produced serious revenue shortfalls due to its reliance on owners to self-report vacant properties, which is an inadequate form of revenue collection;
  - (b) the additional stamp duty levy on foreign purchasers is inadequate to preference Australian residential property purchasers at its current rate;
  - (c) the Government, through property taxes, is a beneficiary of Australia's weak real estate money laundering laws, some of the developed world's weakest, and has failed to call on the Federal Government to strengthen these laws in line with the recommendations of the international money laundering watchdog, the Financial Action Task Force, made in 2006;
  - (d) increased competition from foreign purchasers makes housing more expensive for Victorian purchasers;
- (3) calls on the Government to —
  - (a) cancel waivers provided to foreign investors for land transfer duty;
  - (b) end the self-reporting regime for vacant properties and introduce an effective pro-active collection regime for this tax by the State Revenue Office;
  - (c) increase the stamp duty levy on foreign purchasers of real estate; and
  - (d) publicly urge the Federal Government to strengthen laws against money laundering in the real estate sector in order to take a strong stance on money laundering and defend the rule of law.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 543, be postponed until later this day.

**15 PROCEDURE COMMITTEE — INQUIRY INTO PHOTOGRAPHY IN THE CHAMBER** —

Mr Grimley moved, That this House notes that —

- (1) the Legislative Council functions on behalf of all Victorians and therefore all proceedings should be subject to public scrutiny;
- (2) a recent Australian Election Survey conducted by the Australian National University of more than 2,100 Australians found just 25 per cent of respondents believed people in Government could be trusted;
- (3) fair media coverage of Parliamentary proceedings is a critical part of democracy;
- (4) visual and audio recording and still photography are permitted in the Legislative Council Chamber by accredited media organisations and individuals only;

- (5) removing certain restrictions on photography in the Australian Senate has ensured a greater sense of transparency in the Federal Parliament;
- (6) extending the permissions for photography in the Legislative Council Chamber is just one of many measures which may restore some faith in the political process; and requires the Procedure Committee to inquire into, consider and report, by no later than 25 November 2021, on changes to the rules and regulations relating to photography in the Legislative Council Chamber to ensure greater transparency.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Taylor.*

**16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**17 ADJOURNMENT** — Mr Leane 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 6.21 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 109 — Thursday, 10 June 2021

1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — AMEND THE TRANSPORT ACCIDENT ACT 1986** — Ms Vaghela presented a Petition bearing 100 signatures from certain citizens of Victoria requesting that the Legislative Council pass a Bill to amend the *Transport Accident Act 1986* to address the gap of funding for the road deaths and accidents of international residents and to recognise aged parents as a category of financial dependents.

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 Office — Annual Plan, 2021-22.

Parliamentary Committees Act 2003 — Government response to the Integrity and Oversight Committee's Report on the Inquiry into the Performance of Victorian Integrity Agencies 2017/18–2018/19.

Public Health and Wellbeing Act 2008 — 15<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency, under section 198(8A) of the Act.

4 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 22 June 2021.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **APPROPRIATION (2021-2022) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time and Mr Rich-Phillips moved, That the Council take note of the Budget Papers, 2021-22 [*the motion to take note of the **Budget Papers, 2021-22** having been authorised to be debated concurrently pursuant to an Order of the Council of 26 May 2021*].

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

7 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Shelter for farm animals** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Tuesday, 15 June 2021.
- **Duck season extension** — substantive question asked by Mr Meddick — response from Ms Tierney due Tuesday, 15 June 2021.
- **Police handling of protestors** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Tuesday, 15 June 2021.
- **Extension of duck season** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 15 June 2021.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**9 APPROPRIATION (2021-2022) BILL 2021** — Debate continued on the question, That the Bill be now read a second time and on the question, That the Council take note of the Budget Papers, 2021-22.

Question — That the Bill be now read a second time — 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.

Ms Symes 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, 33

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**10 BUDGET PAPERS, 2021-22** — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2021-22 — put and agreed to.

**11 APPROPRIATION (PARLIAMENT 2021-2022) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Mr Leane, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Debate continued.

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 CHILD WELLBEING AND SAFETY (CHILD SAFE STANDARDS COMPLIANCE AND ENFORCEMENT) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005 and the Education and Training Reform Act 2006 to provide for compliance with the Child Safe Standards and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 13 EDUCATION AND TRAINING REFORM AMENDMENT (PROTECTION OF SCHOOL COMMUNITIES) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for orders prohibiting or regulating certain conduct on school premises and school-related places and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 14 ENERGY LEGISLATION AMENDMENT (ENERGY FAIRNESS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 and to make related amendments to the Criminal Procedure Act 2009 and the Essential Services Commission Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (CROSS-BOUNDARY GREENHOUSE GAS TITLES AND OTHER MATTERS) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide for cross-boundary greenhouse gas storage, to amend the Pipelines Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**16 ADJOURNMENT** — Mr Leane 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 7.15 p.m., adjourned until Tuesday, 22 June 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 107, 108 and 109

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### STATE TAXATION AND MENTAL HEALTH ACTS AMENDMENT BILL 2021

*Committed Tuesday, 8 June 2021*

*Suggested Amendments circulated: Dr Bach (p. 791) and Mr Rich-Phillips (pp. 791-4)*

*Amendments circulated: Dr Ratnam (p. 791)*

Suggested Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

**Clause 1** — no question put pursuant to Standing Order 14.15(2).

**Clause 2** — Mr Rich-Phillips moved Suggested Amendment Nos. 1 and 2.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 2 — no question put pursuant to Standing Order 14.15(2).

**Clauses 3 to 10** — no question put pursuant to Standing Order 14.15(2).

**Clauses 11 to 24** — put and agreed to.

**Clauses 25 to 68** — no question put pursuant to Standing Order 14.15(2).

**New Clause** — Dr Bach moved Suggested Amendment No. 1.

Dr Ratnam moved Amendment No. 1 to Dr Bach's Suggested Amendment No. 1.

Question — That Dr Ratnam's amendment to Dr Bach's suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That Dr Bach's suggested New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 69 and 70** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (2021-2022) BILL 2021**

*Committed Thursday, 10 June 2021*

**Clauses 1 to 8** — no question put pursuant to Standing Order 14.15(2).

**Schedule 1** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. STATE TAXATION AND MENTAL HEALTH ACTS AMENDMENT BILL 2021***Suggested Amendments circulated by Dr Bach***1. Suggested amendment to the Legislative Assembly—**

Insert the following New Clause to follow clause 68—

**'68A New clause 16B of Schedule 2 inserted**

After clause 16A of Schedule 2 to the **Payroll Tax Act 2007** insert—

**"16B Universities exempt from mental health and wellbeing surcharge**

(1) Despite anything to the contrary in this Act, a university is not liable to pay the mental health and wellbeing surcharge on any wages paid or payable by it.

(2) In this clause—

*mental health and wellbeing surcharge* has the same meaning as in clause 1 of Schedule 1;

*university* has the same meaning as in the **Education and Training Reform Act 2006**."

*Amendment to Dr Bach's Suggested Amendment circulated by Dr Ratnam*

1. In proposed new clause 68A, in section 16B(1) that is to be inserted, after "by it" insert "for the period beginning on 1 January 2022 and ending on 31 December 2024".

*Suggested Amendments circulated by Mr Rich-Phillips***1. Suggested amendment to the Legislative Assembly—**

Clause 2, line 2, after "and 4" insert "and 5".

**2. Suggested amendment to the Legislative Assembly—**

Clause 2, after line 7 insert—

"(4) Division 5 of Part 6 comes into operation on 1 July 2023."

**3. Suggested amendment to the Legislative Assembly—**

Page 60, after line 26 insert the following heading—

**"Division 5—Payroll tax threshold increase and rate reductions"**.

**4. Suggested amendment to the Legislative Assembly—**

Insert the following New Clauses to follow clause 69—

**'69A Registration**

For section 86(6)(d) of the **Payroll Tax Act 2007** substitute—

"(d) for the financial years commencing on 1 July 2021 and 1 July 2022—\$13 461 per week;

(e) for the financial year commencing on 1 July 2023 and each subsequent financial year—\$30 769 per week."

**'69B Definition of TA or threshold amount**

In clause 1 of Schedule 1 to the **Payroll Tax Act 2007**—

(a) for paragraphs (h) of the definition of **R substitute**—

"(h) for the financial years commencing on 1 July 2021 and 1 July 2022—

(i) 1.2125% in the case of a regional employer; and

(ii) 4.85% in any other case;

(i) for the financial year commencing on 1 July 2023 and each subsequent financial year—

(i) in the case of a regional employer, the rate specified in clause 1C; and

(ii) in any other case, the rate specified in clause 1D;";

(b) for paragraph (e) of the definition of **TA** or **threshold amount substitute**—

"(e) for the financial years commencing on 1 July 2021 and 1 July 2022—  
\$700 000;

(f) for the financial year commencing on 1 July 2023 and each subsequent financial year—\$1 600 000;";

(c) **insert** the following definition—

"**TFT** or **tax free threshold** means the amount calculated in accordance with clause 1B."

#### 69C New clauses 1B, 1C and 1D of Schedule 1 inserted

After clause 1A of Schedule 1 to the **Payroll Tax Act 2007 insert**—

##### "1B Tax free threshold

The tax free threshold for an employer or group of employers in a financial year is the amount calculated in accordance with the following formula—

$$1\,600\,000 \times \frac{C}{FY}$$

##### 1C Determination of payroll tax rate for regional employers

(1) For the purposes of subparagraph (i)(i) of the definition of **R**, the rate of payroll tax payable by a regional employer is the rate calculated in accordance with the following formula—

$$\left[ [TW - TFT] \times \left[ \frac{R_{\max} - 0.0001}{399\,999} \right] \right] + 0.000005$$

where **R<sub>max</sub>** is 1.2125%.

(2) In this clause, **TW**—

(a) in the case of an employer who is not a member of a group, has the same meaning as in clause 3; and

(b) in the case of an employer who is a member of a group, has the same meaning as in clause 7.

##### 1D Determination of payroll tax rate for employers that are not regional employers

(1) For the purposes of subparagraph (i)(ii) of the definition of **R**, the rate of payroll tax payable by an employer that is not a regional employer is the rate determined in accordance with the following formula—

$$\left[ [TW - TFT] \times \left[ \frac{R_{\max} - 0.0002}{399\,999} \right] \right] + 0.0001$$

where **R<sub>max</sub>** is 4.85%.

- (2) In this clause, **TW**—
- (a) in the case of an employer who is not a member of a group, has the same meaning as in clause 3; and
  - (b) in the case of an employer who is a member of a group, has the same meaning as in clause 7."

#### 69D Definition of base deductible amount

In clause 1A of Schedule 2 to the **Payroll Tax Act 2007**—

- (a) for paragraph (d) of the definition of **base deductible amount substitute**—
  - "(d) for a month in the financial years commencing on 1 July 2021 and 1 July 2022—\$58 333;
  - (e) for a month in the financial year commencing on 1 July 2023 and each subsequent financial year—\$133 333;"
- (b) in the definition of **R**, for "clause 2." **substitute** "clause 2;"
- (c) **insert** the following definition—

"**TFT** or **tax free threshold** means the amount calculated in accordance with clause 2A."

#### 69E Rate of payroll tax

For paragraph (h) of clause 2 of Schedule 2 to the **Payroll Tax Act 2007 substitute**—

- "(h) for wages paid or payable on or after 1 July 2021 and before 1 July 2023—
- (i) 1.2125% in the case of a regional employer; and
  - (ii) 4.85% in any other case;
- (i) for wages paid or payable on or after 1 July 2023—
- (i) in the case of a regional employer, the rate specified in clause 2B; and
  - (ii) in any other case, the rate specified in clause 2C."

#### 69F New clauses 2A, 2B and 2C of Schedule 2 inserted

After clause 2 of Schedule 2 to the **Payroll Tax Act 2007 insert**—

##### "2A Tax free threshold

The tax free threshold for an employer or group of employers in a financial year is the amount calculated in accordance with the following formula—

$$1\,600\,000 \times \frac{C}{FY}$$

where—

**C** is the estimated number of days in the relevant financial year in respect of which the employer or group of employers is liable to pay taxable wages or interstate wages;

**FY** is the number of days in the relevant financial year.

##### 2B Determination of payroll tax rate for regional employers

For the purposes of subparagraph (i)(i) of the definition of **R**, the rate of payroll tax payable by a regional employer is the rate calculated in accordance with the following formula—

$$\left[ [ETW - TFT] \times \left[ \frac{R_{\max} - 0.0001}{399\,999} \right] \right] + 0.000005$$

where  $R_{\max}$  is 1.2125%.

**2C Determination of payroll tax rate for employers that are not regional employers**

For the purposes of subparagraph (i)(ii) of the definition of  $R$ , the rate of payroll tax payable by an employer that is not a regional employer is the rate calculated in accordance with the following formula—

$$\left[ [ETW - TFT] \times \left[ \frac{R_{\max} - 0.0002}{399\,999} \right] \right] + 0.0001$$

where  $R_{\max}$  is 4.85%.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 110, 111 and 112

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#### No. 110 — Tuesday, 22 June 2021

- 1 The President took the Chair at 11.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —

On 16 June 2021, given the Royal Assent to the following Acts presented to her by the Speaker:

*Appropriation (2021-2022) Act 2021*  
*Appropriation (Parliament 2021-2022) Act 2021.*

On 16 June 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Gambling Regulation Amendment (Wagering and Betting Tax) Act 2021*  
*State Taxation and Mental Health Acts Amendment Act 2021.*

- 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Transport worker wages** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 24 June 2021.
- **Request for ADF assistance in response to storm damage** — substantive question asked by Mr O'Donohue — response from Ms Symes due Thursday, 24 June 2021.
- **Expenditure of traffic fine revenue** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 24 June 2021.
- **Planning rules relating to tree canopies** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Thursday, 24 June 2021.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

- 5 **PETITIONS** —

**ALLOW THE FITNESS INDUSTRY TO RE-OPEN** — Ms Crozier presented a Petition bearing 10,797 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its decision to keep the fitness industry closed and immediately re-open gyms, fitness centres and yoga and Pilates studios.

Ordered to lie on the Table.

**BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 92 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**FUNDING TO REBUILD RECWEST RECREATIONAL FACILITY IN WEST FOOTSCRAY** — Dr Cumming presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with the City of Maribyrnong to urgently provide funding to rebuild the RecWest recreational facility in West Footscray for the benefit of the whole community.

Ordered to lie on the Table.

On the motion of Dr Cumming, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**COVIDSAFE PLAN FOR RE-OPENING GYMS** — Mr Finn presented a Petition bearing 1,529 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to create and implement a COVIDSafe Plan for Victorians to attend gyms in a safe and secure manner.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**RELEASE ADVICE INFORMING THE COVID-19 LOCKDOWN DECISIONS** — Mr Limbrick presented a Petition bearing 9,848 signatures from certain citizens of Victoria requesting that the Legislative Council acknowledge that the tabling of the COVID-19 public health advice and human rights assessments is in the public interest and call on the Government to table the documents, in full, which informed the fourth COVID-19 lockdown restrictions imposed on Victoria.

Ordered to lie on the Table.

On the motion of Mr Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**REFUSE THE DEVELOPMENT OF A 5MW SOLAR FARM IN COSGROVE** — Ms Lovell presented a Petition bearing 396 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to refuse the use and development of a 5MW solar farm at 290 Cosgrove-Caniambo Road in Cosgrove.

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.

\* \* \* \* \*

**PROTECT SPRING CREEK FROM URBAN DEVELOPMENT** — Mr Meddick presented a Petition bearing 1,240 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to follow through with election promises and further protect Spring Creek valley in perpetuity through legislation that informs the Surf Coast Distinctive Area and Landscape process by appropriate rezoning of the land and securing Torquay's western boundary at Duffields Road as a hard town boundary.

Ordered to lie on the Table.

\* \* \* \* \*

**INCREASE HIGHWAY SPEED LIMITS** — Mr Quilty presented a Petition bearing 411 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to evaluate European highway speed limits, particularly in Germany, and consider increasing highway speed limits in Victoria.

Ordered to lie on the Table.



**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 8 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE VICTORIAN GOVERNMENT'S COVID-19 CONTACT TRACING SYSTEM AND TESTING REGIME** — Pursuant to Standing Order 23.30(2)(b), and following the transmission of the report on 11 June 2021, the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into the Victorian Government's COVID-19 contact tracing system and testing regime.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Drugs, Poisons and Controlled Substances Act 1981 — Report under section 96 by the Chief Commissioner of Victoria Police for 2020.

Independent Broad-based Anti-corruption Commission — Special report on corrections: IBAC Operations Rous, Caparra, Nisidia and Molarra (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendment C39 (Part 1).

Banyule Planning Scheme — Amendment C117.

Bass Coast Planning Scheme — Amendment C150.

Bayside Planning Scheme — Amendment C180.

Buloke Planning Scheme — Amendment C43.

Cardinia Planning Scheme — Amendment C254.

French Island and Sandstone Island Planning Scheme — Amendment C11.

Glen Eira Planning Scheme — Amendments C193 and C197.

Hindmarsh Planning Scheme — Amendment C19.

Indigo Planning Scheme — Amendment C75.

Kingston Planning Scheme — Amendment C198.

Mitchell Planning Scheme — Amendment C149.

Moreland Planning Scheme — Amendment C192.

Northern Grampians Planning Scheme — Amendment C59.

Port Phillip Planning Scheme — Amendment C196.

Pyrenees Planning Scheme — Amendment C46.

Southern Grampians Planning Scheme — Amendments C54 and C58.

Surf Coast Planning Scheme — Amendment C136.

Whitehorse Planning Scheme — Amendment C213.

Whittlesea Planning Scheme — Amendment C252.

Yarriambiack Planning Scheme — Amendment C29.

Statutory Rules under the following Acts of Parliament —

Dangerous Goods Act 1985 — No. 56.

Family Violence Protection Act 2008 — Magistrates' Court Act 1989 — Personal Safety Intervention Orders Act 2010 — No. 52.

Professional Engineers Registration Act 2019 — No. 55.

Victoria Police Act 2013 — No. 53.

Victorian Civil and Administrative Tribunal Act 1998 — No. 54.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 45, 50, 52, 54 and 56.

Legislative instrument and related documents under section 16B in respect of the Proclamation of diseases of 1 June 2021, under the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985.

Victorian Inspectorate —

Annual Plan, 2021-22.

Report on surveillance device records inspected during the period 1 July to 31 December 2020, under section 30Q(3) of the Surveillance Devices Act 1999.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S255, 28 May 2021*).

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Electricity Industry Act 2000 — Part 6 — 17 June 2021 (*Gazette No. S297, 17 June 2021*).

Justice Legislation Amendment (Supporting Victims and Other Matters) Act 2020 — Part 5 — 1 July 2021 (*Gazette No. S292, 16 June 2021*).

Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Act 2021 — Whole Act (except section 7(2)) — 1 July 2021 (*Gazette No. S293, 16 June 2021*).

**7 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 23 June 2021 —

- (1) Notice of Motion No. 563 standing in the name of Mr Davis revoking Amendments VC194 and VC198 to the Victoria Planning Provisions;
- (2) the notice of motion given this day by Mr Grimley on reducing drug and alcohol recidivism;
- (3) Notice of Motion No. 490 standing in the name of Mr Grimley on children in residential care;
- (4) Order of the Day No. 1, resumption of debate on the Public Health and Wellbeing Amendment (Greater Transparency and Accountability) Bill 2021; and
- (5) the notice of motion given this day by Ms Crozier on the re-opening of the Legal and Social Issues Committee's Inquiry into the closure of I Cook Foods Pty Ltd.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis (two sets), Dr Cumming, Ms Maxwell, Mr Quilty and Mr Barton were circulated.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —*

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Road Safety Act 1986* to require the Minister to direct the Head, Transport for Victoria to replace speed-limit signs along the length of road known as the Hume Freeway or the Hume Highway.

Question — put and agreed to.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Barton were outside the scope of the Bill —*

Mr Barton moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Commercial Passenger Vehicle Industry Act 2017* that make further provision for the manner in which the Essential Services Commission may regulate prescribed prices for the commercial passenger vehicle industry.

Question — put and agreed to.

Bill ordered to be committed to a Committee of the whole later this day.

**10 EDUCATION AND TRAINING REFORM AMENDMENT (PROTECTION OF SCHOOL COMMUNITIES) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Ms Patten; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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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, 35

Mr Atkinson; Dr Bach; 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; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Ms Patten; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 11 MUTUAL RECOGNITION (VICTORIA) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Mutual Recognition (Victoria) Act 1998 to adopt the amendments made to the Mutual Recognition Act 1992 of the Commonwealth by the Mutual Recognition Amendment Act 2021 of the Commonwealth and to make related amendments* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until the next day of meeting.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**13 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (CROSS-BOUNDARY GREENHOUSE GAS TITLES AND OTHER MATTERS) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Stitt moved, by leave, 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, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 ADJOURNMENT** — Ms Stitt 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 8.35 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 111 — Wednesday, 23 June 2021

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Responses to Performance Audit Recommendations: Annual Status Update, June 2021 *(Ordered to be published)*.

Parliamentary Budget Officer Act 2017 — Operational Plan 2021-22: Priorities and protocols. Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 47 and 48.

Legislative instruments and related documents under section 16B in respect of —

Environment Reference Standard of 25 May 2021, under the Environment Protection Act 2017.

Revocation of Notifiable Chemicals Order (Arsenic and Arsenic Compounds) of 25 May 2021, under the Environment Protection Act 1970.

Revocation of Notifiable Chemicals Order (Chlorine Compounds) of 25 May 2021, under the Environment Protection Act 1970.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

#### 4 REVOCATION OF VICTORIA PLANNING PROVISIONS AMENDMENTS VC194 AND VC198 — Mr Davis moved, That this House —

- (1) notes that —
  - (a) the Minister for Planning, on 25 March 2021 gazetted, and on 29 April 2021 tabled, Amendment VC194 to the Victoria Planning Provisions (VPP);
  - (b) Amendment VC194 inserts two new provisions at clauses 52.30 and 52.31 that facilitate state projects and local government projects;
  - (c) the Minister for Planning, on 14 May 2021 gazetted, and on 25 May 2021 tabled, Amendment VC198 to the VPP;
  - (d) Amendment VC198 introduces new provisions at clauses 52.35 – Major Road Projects and 52.36 – Rail Projects and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria;
  - (e) both Amendment VC194 and Amendment VC198 diminish notification requirements for local communities and remove appeal rights from local communities; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendments VC194 and VC198 to the Victoria Planning Provisions.

Debate ensued.

*The 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, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

#### 5 REDUCING DRUG AND ALCOHOL RECIDIVISM — Mr Grimley moved, That this House —

- (1) notes that —
  - (a) alcohol and other drugs greatly contribute to recidivism by offenders;
  - (b) many courts, including drug courts, that use drug and alcohol testing and alcohol monitoring technology, have seen a reduction in alcohol and other drug-related crimes;
  - (c) drug and alcohol testing and monitoring can provide offenders with incentives to abstain from alcohol and the ability to provide wraparound services;
  - (d) Victoria already offers some regular testing programs, including SCRAM Continuous Alcohol Monitoring for parolees;
  - (e) New Zealand's Alcohol and Other Drug Testing (AODT) Community Trial, and other jurisdictional equivalents, could be considered for use in Victoria, potentially through a sentencing deferral option;
- (2) calls on the Government to investigate reforms to our legal system, including —
  - (a) New Zealand's AODT program that was rolled out nationwide in March 2021;
  - (b) the 24/7 Sobriety Program, which is a 'swift, certain and fair' approach to reducing recidivism in alcohol and other drug offenders, which has been operating in South Dakota since 2005; and
  - (c) the use of SCRAM Continuous Alcohol Monitoring technology, which is being rolled out across the United Kingdom, as a potential sentencing option by courts.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**AUSTRALIAN DEFENCE FORCE — EMERGENCY MANAGEMENT CAPACITY** — Ms Symes having given answers to a question without notice and supplementary question relating to the Australian Defence Force's emergency management capacity —

On the motion of Mr Davis, 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.

**PAYROLL TAX COSTS FOR UNIVERSITIES** — Ms Tierney having given answers to a question without notice and supplementary question relating to payroll tax costs for universities —

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Game Management Authority – fines** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 25 June 2021.
- **Traralgon flood warning** — substantive and supplementary questions asked by Ms Bath — response from Ms Tierney due Friday, 25 June 2021.
- **Medicinal cannabis – return to work rules** — substantive and supplementary questions asked by Ms Patten — response from Ms Stitt due Thursday, 24 June 2021.
- **VicRoads use of funds** — substantive and supplementary questions asked by Mr Bourman — response from Ms Symes due Friday, 25 June 2021.
- **Glenormiston Agricultural College land** — supplementary question asked by Mrs McArthur — response from Ms Tierney due Friday, 25 June 2021.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**8 REDUCING DRUG AND ALCOHOL RECIDIVISM** — Debate continued on the question, That this House —

(1) notes that —

- (a) alcohol and other drugs greatly contribute to recidivism by offenders;
- (b) many courts, including drug courts, that use drug and alcohol testing and alcohol monitoring technology, have seen a reduction in alcohol and other drug-related crimes;
- (c) drug and alcohol testing and monitoring can provide offenders with incentives to abstain from alcohol and the ability to provide wraparound services;
- (d) Victoria already offers some regular testing programs, including SCRAM Continuous Alcohol Monitoring for parolees;
- (e) New Zealand's Alcohol and Other Drug Testing (AODT) Community Trial, and other jurisdictional equivalents, could be considered for use in Victoria, potentially through a sentencing deferral option;

(2) calls on the Government to investigate reforms to our legal system, including —

- (a) New Zealand's AODT program that was rolled out nationwide in March 2021;
- (b) the 24/7 Sobriety Program, which is a 'swift, certain and fair' approach to reducing recidivism in alcohol and other drug offenders, which has been operating in South Dakota since 2005; and
- (c) the use of SCRAM Continuous Alcohol Monitoring technology, which is being rolled out across the United Kingdom, as a potential sentencing option by courts.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — put and agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 490, be postponed until later this day.

- 10 PUBLIC HEALTH AND WELLBEING AMENDMENT (GREATER TRANSPARENCY AND ACCOUNTABILITY) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Garrett.*

- 11 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

- 12 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.25 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 112 — Thursday, 24 June 2021

- 1** The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

- 2 PAPERS** —

**CLOSING THE GAP JURISDICTIONAL IMPLEMENTATION PLAN 2011-2023** — Mr Leane moved, by leave, That there be laid before this House a copy of the Closing the Gap Jurisdictional Implementation Plan 2011-2023.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT, 2020** — Mr Leane moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2020.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**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 —

Clinical Governance: Health Services, June 2021 (*Ordered to be published*).

Delivering the Solar Homes Program, June 2021 (*Ordered to be published*).

Results of 2020 Audits: Technical and Further Education Institutes, June 2021 (*Ordered to be published*).

Results of 2020 Audits: Universities, June 2021 (*Ordered to be published*).

Commission for Children and Young People — Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care (*Ordered to be published*).

Multicultural Victoria Act 2011 — Victorian Government report on multicultural affairs, 2019-20.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 61.

Victorian Environmental Assessment Council Act 2001 — Victorian Government Response to the Victorian Environmental Assessment Council's Central West Investigation Final Report.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Education and Training Reform Amendment (Miscellaneous) Act 2021 — Remaining Provisions — 1 July 2021 (*Gazette No. S321, 22 June 2021*).

- 3 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — The Clerk laid on the Table a letter from the Attorney-General, dated 23 June 2021, in response to the Resolution of the Council of 3 February 2021 (on the motion of Mr Barton), and further to the Government's initial response of 2 March 2021, relating to the Multi Purpose Taxi Program trial, identifying 103 documents within the scope of the order and claiming Executive privilege over 27 documents in full and 11 documents in part.

The Clerk further laid on the Table 65 documents in full and 11 documents in part, together with schedules of the identified documents.

- 4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 3 August 2021.

Question — put and agreed to.

- 5 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation on 25 June 2021:

**1. Responses to matters raised on the Daily Adjournment Debate**

Standing Order 4.13 is suspended and replaced with the following:

- (1) The Minister the matter was directed to may dispose of the matter verbally at the end of the Daily Adjournment Debate.
- (2) Any matter that is not disposed of at the time must be responded to in writing within 30 days.
- (3) The Minister must lodge a written response with the Clerk. The Clerk must give the response to the Member who raised the matter and publish the response.

**2. Answers to questions on notice**

Standing Order 8.12 and Sessional Order 15 are suspended and replaced with the following:

An answer to a question on notice must be lodged with the Clerk. The Clerk must give the response to the Member who asked the question and publish the response.

**3. Answers to constituency questions**

Standing Order 8.08(5) is suspended and replaced with the following:

(5) A copy of the answer will be given to the Member who asked the question and published.

**4. Written responses to questions without notice**

Standing Order 8.07(5) and Sessional Order 14 (Part 2) are suspended and replaced with the following:

- (5) A copy of any response provided under this Standing Order will be given to the Member who asked the question and published.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

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 Order of the Day, Government Business, No. 1, be postponed until later this day.



- 8 CHILD WELLBEING AND SAFETY (CHILD SAFE STANDARDS COMPLIANCE AND ENFORCEMENT) AMENDMENT BILL 2021** — 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 —*

- 9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**EVENTS INDUSTRY SUPPORT PACKAGE** — Ms Pulford having given answers to a question without notice and supplementary question relating to the events industry support package — On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Mental health hub in the CBD** — substantive question asked by Ms Crozier — response from Ms Symes due Monday, 28 June 2021.
- **Youth justice centres – staff safety** — supplementary question asked by Ms Maxwell — response from Ms Stitt due Friday, 25 June 2021.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

- 11 CHILD WELLBEING AND SAFETY (CHILD SAFE STANDARDS COMPLIANCE AND ENFORCEMENT) AMENDMENT BILL 2021** — 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, 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 MUTUAL RECOGNITION (VICTORIA) AMENDMENT BILL 2021** — 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.

- 13 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021** —

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —*

Mr Rich-Phillips (for Mr Davis) moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Road Safety Act 1986* to make provision in relation to the setting of a 120 kilometre per hour speed-limit on certain lengths of road forming part of specified freeways and highways.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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Ms Pulford moved, That the meal break scheduled for this day, pursuant to Sessional Order 1, be suspended.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill further considered in Committee of the whole.

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, 36

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments.

- 14 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to establish the Victorian Academy of Teaching and Leadership and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Dr Bach), the debate was adjourned for one week.

- 15 ENERGY LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the Gas Industry Act 2001, the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and the Victorian Energy Efficiency Target Act 2007 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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.

**16 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER ACTS AMENDMENT (FEDERAL JURISDICTION AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to federal subject matter and to consequentially amend the Magistrates' Court Act 1989 and other Acts, to amend the County Court Act 1958 and the Judicial Entitlements Act 2015 to create the office of Deputy Chief Judge of the County Court, to amend the Public Prosecutions Act 1994 in relation to the appointment of an acting Chief Crown Prosecutor and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 O'Donohue), the debate was adjourned for one week.

**17 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 7.59 p.m., adjourned until Tuesday, 3 August 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 110, 111 and 112

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### EDUCATION AND TRAINING REFORM AMENDMENT (PROTECTION OF SCHOOL COMMUNITIES) BILL 2021

*Committed Tuesday, 22 June 2021*

*Amendments circulated: Dr Ratnam (pp. 813-14)*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put and negatived.

Dr Ratnam moved Amendment No. 3.

Question — That the amendment be agreed to — put and negatived.

Dr Ratnam moved Amendment Nos. 4 to 9.

Question — That the amendments be agreed to — put and negatived.

Dr Ratnam moved Amendment Nos. 10 and 11.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Ms Patten; Mr Quilty;  
Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr;  
Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur;  
Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Shing;  
Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela;  
Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 6 — put and agreed to.

**Clause 7** — put and agreed to.

**Bill reported without amendment.**

**TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021**

*Committed Thursday, 24 June 2021*

*Amendments circulated: Mr Barton (RB11C and RB12C) (pp. 814-15), Dr Cumming (p. 815), Mr Davis (DD66C, DD69C and DD73C) (pp. 816-17), Ms Maxwell (pp. 817-18), Mr Quilty (p. 818).*

Amendments proposed to be moved in Committee by Mr Davis (DD73C) were circulated.

**Clause 1** — put and agreed to.

**Clause 2** — Mr Barton moved Amendment No. 1 (RB12C).

Question — That the amendment be agreed to — put and agreed to.

Dr Cumming moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Davis moved Amendment No. 1 (DD69C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Question — That Clause 2, as amended, be postponed — put and agreed to.

**Clause 3** — Mr Davis moved Amendment No. 1 (DD66C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 25

Dr Cumming; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 3 — put and agreed to.

**Clauses 4 to 22** — put and agreed to.

**New Clause** — Mr Barton moved Amendment No. 2 (*RB12C*).

Question — That the New Clause stand part of the Bill — put and agreed to.

**Clauses 23 to 61** — put and agreed to.

**New Clause** — Ms Maxwell moved Amendment No. 1.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 4

Mr Barton; Dr Cumming; Mr Grimley; Ms Maxwell.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 34

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 62 to 67** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 2 (*DD73C*).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 24

Mr Barton; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**New Clause** — Mr Quilty moved Amendment No. 2.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 68 to 104** — put and agreed to.

**Postponed Clause 2**, as amended — put and agreed to.

**Bill reported with amendments.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. EDUCATION AND TRAINING REFORM AMENDMENT (PROTECTION OF SCHOOL COMMUNITIES) BILL 2021***Amendments circulated by Dr Ratnam*

1. Clause 6, page 13, after line 26 insert—  
"(3) If the Secretary refers a matter to mediation under section 2.1A.12A, any time from that referral to the conclusion of the mediation is not counted towards the period referred to in subsection (1)(a) or (b)."
2. Clause 6, page 15, after line 26 insert—  
**"2.1A.12A Request for mediation**  
(1) A person to whom an immediate school community safety order applies may request the Secretary to refer the matter to mediation.  
(2) The Secretary may refer a matter to mediation by a mediator within the meaning of section 21K of the **Evidence (Miscellaneous Provisions) Act 1958**—  
(a) on the Secretary's own motion; or  
(b) on receiving a request under subsection (1)."
3. Clause 6, page 21, after line 34 insert—  
"(1A) Before making an ongoing school community safety order on the ground set out in section 2.1A.17(1)(e), an authorised person (other than the Secretary) must obtain the approval of the Secretary."
4. Clause 6, page 22, after line 26 insert—  
**"2.1A.21A Request for mediation before making of ongoing school community safety order**  
(1) Before an ongoing school community safety order is made, a person to whom the order is proposed to apply may request the Secretary to refer the matter to mediation if the matter has not already been referred to mediation under section 2.1A.12A.  
(2) Before making an ongoing school community safety order, the Secretary may refer a matter to mediation by a mediator within the meaning of section 21K of the **Evidence (Miscellaneous Provisions) Act 1958**—  
(a) on the Secretary's own motion; or  
(b) on receiving a request under subsection (1)."
5. Clause 6, page 27, after line 33 insert—  
"(2A) An authorised person must refer an ongoing school community safety order for internal review after half of the duration period specified in the order has elapsed."
6. Clause 6, page 28, line 2, after "application" insert "or referral".
7. Clause 6, page 29, line 3, after "applies" insert "or the authorised person".
8. Clause 6, page 29, line 11, after "application" insert "or referral".
9. Clause 6, page 29, line 15, omit "to whom the order applies".
10. Clause 6, page 35, line 9, omit 'operation.'" and insert 'operation.'
11. Clause 6, page 35, after line 9 insert—

**'Division 8—Reporting****2.1A.45 Reports on orders made**

- (1) An authorised person (other than the Secretary) must notify the Secretary as soon as possible after making an immediate school community safety order or an ongoing school community safety order.
- (2) An authorised person (other than the Secretary) must provide a report to the Secretary within 28 days after the end of each financial year setting out—
  - (a) the number of immediate school community safety orders made by the authorised person in that financial year; and
  - (b) the number of ongoing school community safety orders made by the authorised person in that financial year.
- (3) The Secretary must provide a report to the Minister that sets out the following information for each financial year—
  - (a) the information received by the Secretary under subsection (2);
  - (b) the number of immediate school community safety orders and ongoing school community safety orders made by the Secretary in that financial year.
- (4) The Minister must cause a report under subsection (3) to be laid before each House of the Parliament within 7 sitting days after receiving the report."

## 2. TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021

### Amendments circulated by Mr Barton (RB11C)

1. Clause 2, line 2, after "sections" insert "22A,".

#### NEW CLAUSE

2. Insert the following New Clause to follow clause 22—

#### **'22A Price determinations**

- (1) After section 110E(g) of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"(ga) an accredited driver's capacity to earn a living wage from providing a commercial passenger vehicle service;

(gb) the commercial viability of operating a taxi service;"

- (2) At the end of section 110E of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"(2) In this section—

**fare calculation device** means a mechanical, electrical or electronic device that calculates, records or displays information about fares and charges for the provision of unbooked commercial passenger vehicle services;

**living wage** means remuneration that is sufficient for a reasonable standard of living having regard to the cost of essential goods and services;

**taxi service** means an unbooked commercial passenger vehicle service where the fare is calculated based on time and distance travelled as measured by a fare calculation device."

Amendments circulated by Mr Barton (RB12C)

1. Clause 2, line 2, after "sections" insert "22A,".

## NEW CLAUSE

2. Insert the following New Clause to follow clause 22—

**'22A Price determinations**

- (1) After section 110E(g) of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"(ga) the Fair Work Commission's annual wage review under section 285 of the Fair Work Act 2009 of the Commonwealth;

(gb) the commercial viability of operating a taxi service;"

- (2) At the end of section 110E of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"(2) In this section—

**fare calculation device** means a mechanical, electrical or electronic device that calculates, records or displays information about fares and charges for the provision of unbooked commercial passenger vehicle services;

**taxi service** means an unbooked commercial passenger vehicle service where the fare is calculated based on time and distance travelled as measured by a fare calculation device."'

Amendments circulated by Dr Cumming

1. Clause 2, line 2, omit "32, 38 and 39," and insert "32, 32A, 38 and 39, 44A, 44B, 44C,".

## NEW CLAUSES

2. Insert the following New Clause to follow clause 32—

**'32A Suspension or cancellation of vehicle tester authorisations**

In section 15A(3) of the **Road Safety Act 1986**, for "3 year period" substitute "12 month period".'

3. Insert the following New Clauses to follow clause 44—

**'44A Demerit points option notice**

In section 36(1)(a) of the **Road Safety Act 1986**, for "3 year period" substitute "12 month period".

**44B Persons whose driver licence or learner permit is suspended or cancelled**

In section 41A(1)(b) of the **Road Safety Act 1986**, for "3 year period" substitute "12 month period".

**44C Driving disqualification notice**

In section 46A(2)(a) of the **Road Safety Act 1986**, for "3 year period" substitute "12 month period".'

Amendments circulated by Mr Davis (DD66C)

1. Clause 3, after line 19 insert—

**"reciprocal agreement** means an agreement that provides for reciprocal rights for Victoria and another State or Territory of the Commonwealth in relation to the accreditation or registration of operators of bus services;"

2. Clause 5, page 24, lines 31 to 36, omit all words and expressions on these lines and insert—

"(1) This section applies if—

- (a) there is a reciprocal agreement in force between Victoria and another State or Territory of the Commonwealth; and
- (b) the Safety Director receives an application for accreditation under Division 2 from an operator that is accredited or registered to operate bus services in that State or Territory under a corresponding law."

3. Clause 5, page 27, lines 7 to 18, omit all words and expressions on these lines and insert—

"(1) This section applies if—

- (a) there is a reciprocal agreement in force between Victoria and another State or Territory of the Commonwealth; and
- (b) the Safety Director receives an application for accreditation under Division 2, or for variation of accreditation or the conditions of accreditation under Division 4, that indicates that the applicant is accredited or registered, or is seeking accreditation or registration, in that State or a Territory under a corresponding law to operate bus services of a similar kind to those the subject of the application under Division 2 or Division 4."

4. Clause 5, page 28, after line 4 insert—

**"44A Operator accredited or registered under corresponding law must not be accredited unless reciprocal agreement is in force**

The Safety Director must not accredit the operator of a bus service that is accredited or registered to operate bus services in another State or Territory of the Commonwealth under a corresponding law unless—

- (a) a reciprocal agreement is in force; and
- (b) the agreement has been tabled in the Parliament."

Amendments circulated by Mr Davis (DD69C)

Clause 2, after line 6 insert—

"(1A) Divisions 1 and 4 of Part 2 come into operation on 1 June 2023."

Amendments circulated by Mr Davis (DD73C)

1. Clause 2, line 3, after "67" insert ", 67A".

NEW CLAUSE

2. Insert the following New Clause to follow clause 67—

**'67A New section 98B inserted**

Before section 99 of the **Road Safety Act 1986** insert—

**"98B Declaration of 120 kilometre per hour speed-limit zones along specified freeways or highways**

- (1) Subject to this section, the Minister, by notice published in the Government Gazette, may declare a part of a specified freeway or highway as a length of road to which a speed-limit of 120 kilometres per hour may apply to a driver of a vehicle for that length of road.

**Note**

Under Rule 20 of the Road Safety Road Rules 2017, a speed-limit applies to the driver of a vehicle for a length of road.

- (2) Before making a declaration under subsection (1), the Minister must be satisfied that the part of the specified freeway or highway to be declared is a high-quality road that is constructed to enable vehicles to safely travel at 120 kilometres per hour, and for that purpose, must consult with—
- (a) the Head, Transport for Victoria; and
  - (b) the Chief Commissioner of Police.
- (3) For the purposes of this section—
- (a) a reference to the Hume Freeway includes a reference to the Hume Highway;
  - (b) a reference to the Princess Highway includes a reference to the Princess Freeway;
  - (c) a reference to the Western Highway includes a reference to the Western Freeway.
- (4) In this section—
- length*, of road, has the same meaning as in the Road Safety Road Rules 2017;
- specified freeway or highway* means—
- (a) the Hume Freeway; or
  - (b) the Princess Highway; or
  - (c) the Western Highway."

*Amendments circulated by Ms Maxwell*

NEW CLAUSE

1. Insert the following New Clause to follow clause 61—

**'61A Immediate licence or permit suspension for certain offences resulting in injury or death**

- (1) For section 85l(1) of the **Road Safety Act 1986** substitute—

"(1) If a person is charged by a police officer with any of the following offences, a senior police officer, by written notice, may suspend the driver licence or learner permit of the person charged with the offence at any time on or after the charge-sheet is given to the person until the charge has been determined—

- (a) an offence against section 61;
- (b) an offence against section 318 or 319 of the **Crimes Act 1958**;
- (c) a relevant offence."

- (2) For section 85l(2)(a) and (b) of the **Road Safety Act 1986** substitute—

- "(a) the person is an unacceptable risk to road safety until the charge is determined; and
- (b) in the case of a person charged with a relevant offence, the person was driving a motor vehicle when the offence resulting in injury or death was committed."

(3) For section 85I(3) of the **Road Safety Act 1986** substitute—

- "(3) If the person is charged with more than one offence specified in subsection (1) at the same time, a suspension under that subsection applies to each charge for an offence.".

2. Clause 64, page 96, lines 27 to 34, omit all words and expressions on these lines and insert—

"(1) If a non-Victorian licence or permit holder or unlicensed driver is charged by a police officer with any of the following offences, a senior police officer, by written notice, may, at any time on or after the charge-sheet is given to the person until the charge has been determined, disqualify the person from obtaining a driver licence or learner permit—

- (a) an offence against section 61;
- (b) an offence against section 318 or 319 of the **Crimes Act 1958**;
- (c) a relevant offence."

3. Clause 64, page 97, lines 7 to 12, omit all words and expressions on these lines and insert—

- "(a) the person is an unacceptable risk to road safety until the charge is determined; and
- (b) in the case of a person charged with a relevant offence, the person was driving a motor vehicle when the offence resulting in injury or death was committed."

4. Clause 64, page 97, line 15, omit "relevant offence" and insert "offence specified in subsection (1)".

5. Clause 64, page 97, lines 16 and 17, omit "subsection (1) applies to each charge for a relevant offence." and insert "that subsection applies to each charge for an offence."

### Amendments circulated by Mr Quilty

1. Clause 2, line 3, after "67" insert ", 67A".

#### NEW CLAUSE

2. Insert the following New Clause to follow clause 67—

#### **'67A New section 98A inserted**

After section 98 of the **Road Safety Act 1986** insert—

#### **"98A Minister must direct Head, Transport for Victoria with respect to speed-limit signage on Hume Freeway**

- (1) Despite section 64T of the **Transport Integration Act 2010**, the Minister must direct the Head, Transport for Victoria to replace any speed-limit sign along the length of road known as the Hume Freeway that displays the number 110 with a speed-limit sign that displays the number 120.
- (2) A direction under subsection (1) must be in writing.
- (3) The Head, Transport for Victoria must comply with a direction given under subsection (1).
- (4) In this section, **Hume Freeway** means the road also known as Hume Highway."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 113, 114 and 115

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#### No. 113 — Tuesday, 3 August 2021

- 1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE JOHN FRANCIS MCGRATH AM** — The President advised the House of the death, on 4 July 2021, of Mr John Francis McGrath AM, Member of the Legislative Assembly for the Electoral District of Warrnambool from 1985 to 1999.

\* \* \* \* \*

**THE LATE HONOURABLE RICHARD JOHN LONG** — The President advised the House of the death, on 28 July 2021, of the Honourable Richard John Long, Member of the Legislative Council for Gippsland Province from 1973 to 1992.

Members stood in their places as a mark of respect to the memory of the late Mr John McGrath AM, and the late Honourable Richard Long.

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 28 June 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021*

*Education and Training Reform Amendment (Protection of School Communities) Act 2021*

*Mutual Recognition (Victoria) Amendment Act 2021*

*Offshore Petroleum and Greenhouse Gas Storage (Cross-boundary Greenhouse Gas Titles and Other Matters) Amendment Act 2021.*

- 4 **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:

- **Emergency Housing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Stitt due Thursday, 5 August 2021.
- **Western Highway upgrade** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Thursday, 5 August 2021.

- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

- 6 **PETITIONS** —

**BAN THE USE OF 1080 POISON** — Mr Meddick presented a Petition bearing 2,491 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government

to amend the *Wildlife Act 1975*, the *Prevention of Cruelty to Animals Act 1986* and any relevant subordinate legislation to ban the use of 1080 poison in Victoria on public or private land, and protect dingoes from baiting, trapping, shooting or any other form of lethal control.

Ordered to lie on the Table.

\* \* \* \* \*

**ADDRESS THE FINANCIAL SUSTAINABILITY OF RURAL COUNCILS** — Ms Patten presented a Petition bearing 1,255 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to take action to address the imbalance in the capacity of rural councils to service the needs of their communities, thereby lessening the difference in sustainable capacity between rural and metropolitan councils.

Ordered to lie on the Table.

\* \* \* \* \*

**FUNDING TO DIGITISE MORE VICTORIAN NEWSPAPERS TO TROVE** — Ms Terpstra presented a Petition bearing 1,266 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise funding for Trove digitisation of historical newspapers to ensure that more of Victoria's heritage and community information can be searchable and accessible online.

Ordered to lie on the Table.

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**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 977 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

- 7 MEMBERS OF PARLIAMENT (STANDARDS) AMENDMENT BILL 2021** — Dr Cumming introduced *A Bill for an Act to amend the Members of Parliament (Standards) Act 1978 to prevent Members of Parliament from employing family members and other persons in certain positions, to require Members of Parliament to reimburse the State for such employment and for other purposes.*

On the motion of Dr Cumming, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**8 PAPERS** —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE IMPACT OF THE COVID-19 PANDEMIC ON THE TOURISM AND EVENTS SECTORS** — Pursuant to Standing Order 23.29, Mr Erdogan laid on the Table a Report from the Economy and Infrastructure Committee on the Inquiry into the impact of the COVID-19 pandemic on the tourism and events sectors (including Appendices, Extracts 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 Erdogan 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. 9 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**OMBUDSMAN — ANNUAL PLAN 2021-22** — Pursuant to section 24C(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 1 July 2021, the Clerk laid on the Table a copy of the Ombudsman's Annual Plan 2021-22.



**OMBUDSMAN — INVESTIGATION INTO GOOD PRACTICE WHEN CONDUCTING PRISON DISCIPLINARY HEARINGS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 7 July 2021, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into good practice when conducting prison disciplinary hearings, July 2021.

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**16<sup>TH</sup> REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 9 July 2021, the Clerk laid on the Table a copy of the 16<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

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**OMBUDSMAN — COUNCILS AND COMPLAINTS – A GOOD PRACTICE GUIDE 2ND EDITION** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 22 July 2021, the Clerk laid on the Table a copy of the Ombudsman's Report on Councils and complaints – A good practice guide 2nd edition, July 2021.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — GOVERNMENT RESPONSE TO THE FINAL REPORT ON THE INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, and following its transmission on 2 August 2021, the Clerk laid on the Table a copy of the Government response to the Public Accounts and Estimates Committee's Final Report on the Inquiry into the Victorian Government's response to the COVID-19 pandemic.

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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:

Crown Land (Reserves) Act 1978 —

Ministerial Order of 9 May 2021 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Ministerial Order of 1 June 2021 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Ministerial Order of 1 June 2021 giving approval to the granting of a licence at Alexandra Park Reserve.

Ministerial Order of 3 June 2021 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2021, under section 303 of the Act.

Interpretation of Legislation Act 1984 — Notices under section 32(3) in relation to — Environment Reference Standard (*Gazette No. G26, 1 July 2021*).

Statutory Rule No. 47 (*Gazette No. G26, 1 July 2021*).

Melbourne Cricket Ground Trust — Report year ended 31 March 2021.

National Parks Act 1975 — Minister's notice of consent of 11 July 2021 to undertake petroleum operations within Port Campbell National Park, under section 40 of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C61.

Alpine, Ararat, Baw Baw, Benalla, Buloke, Central Goldfields, Colac Otway, Corangamite, East Gippsland, Gannawarra, Golden Plains, Greater Shepparton, Hepburn, Latrobe, Moira, Moorabool, Mount Alexander, Murrindindi, Northern Grampians, Strathbogrie, Swan Hill and Yarriambiack Planning Schemes — Amendment GC161.

Ararat Planning Scheme — Amendment C45.

Bass Coast Planning Scheme — Amendments C157 and C160.

Benalla Planning Scheme — Amendment C32.

Boroondara Planning Scheme — Amendment C356.

Brimbank Planning Scheme — Amendment C211.

- Cardinia Planning Scheme — Amendment C272.  
Casey Planning Scheme — Amendments C269 and C282.  
Colac Otway Planning Scheme — Amendments C90 and C109.  
Colac Otway, Golden Plains, and Moonee Valley Planning Schemes — Amendment GC191.  
Glen Eira Planning Scheme — Amendments C225 and C226.  
Golden Plains Planning Scheme — Amendments C83 and C96.  
Greater Bendigo Planning Scheme — Amendment C255.  
Greater Dandenong Planning Scheme — Amendment C227.  
Greater Geelong Planning Scheme — Amendments C363, C409 and C423.  
Greater Shepparton Planning Scheme — Amendment C218.  
Hindmarsh Planning Scheme — Amendment C17.  
Hobsons Bay Planning Scheme — Amendment C127.  
Horsham Planning Scheme — Amendment C80.  
Kingston Planning Scheme — Amendment C190.  
Knox Planning Scheme — Amendment C190.  
Mansfield Planning Scheme — Amendment C43.  
Maribyrnong Planning Scheme — Amendment C167.  
Maroondah Planning Scheme — Amendment C145.  
Melbourne Planning Scheme — Amendment C412.  
Melton Planning Scheme — Amendments C210 and C225.  
Mitchell Planning Scheme — Amendments C145 and C159.  
Moirra Planning Scheme — Amendment C90.  
Monash Planning Scheme — Amendment C159.  
Moonee Valley Planning Scheme — Amendments C202, C205 and C221.  
Moorabool Planning Scheme — Amendment C92.  
Mornington Peninsula Planning Scheme — Amendments C237, C255 and C279.  
Nillumbik Planning Scheme — Amendments C135 and C136.  
Port of Melbourne Planning Scheme — Amendment C3.  
Port Phillip Planning Scheme — Amendment C162.  
Victoria Planning Provisions — Amendment VC203.  
Wangaratta Planning Scheme — Amendment C78.  
Warrnambool Planning Scheme — Amendment C208.  
Whitehorse Planning Scheme — Amendment C235.  
Wodonga Planning Scheme — Amendment C133.  
Wyndham Planning Scheme — Amendment C259.  
Yarra Planning Scheme — Amendments C290 and C292.  
Yarra Ranges Planning Scheme — Amendment C189.
- Statutory Rules under the following Acts of Parliament —  
Agricultural Industry Development Act 1990 — No. 57.  
Building Act 1993 — Nos. 72 and 73.  
Child Wellbeing and Safety Act 2005 — No. 62.  
Children, Youth and Families Act 2005 — No. 90.  
Conservation, Forests and Lands Act 1987 — No. 91.  
Corporations (Ancillary Provisions) Act 2001 — No. 80.  
Country Fire Authority Act 1958 — No. 86.  
Crown Land (Reserves) Act 1978 — No. 64.  
Domestic Building Contracts Act 1995 — No. 63.  
Environment Protection Act 1970 — No. 59.  
Environment Protection Act 2017 — Nos. 60, 82, 83 and 92.  
Forests Act 1958 — No. 65.  
Funerals Act 2006 — No. 77.  
Juries Act 2000 — No. 81.  
Land Act 1958 — No. 66.  
Local Government Act 1989 — No. 71.  
Local Government Act 2020 — Nos. 69 and 70.  
Magistrates' Court Act 1989 — No. 89.

- Marine Safety Act 2010 — Nos. 78 and 79.  
National Parks Act 1975 — No. 67.  
Occupational Health and Safety Act 2004 — Nos. 88 and 93.  
Professional Engineers Registration Act 2019 — No. 58.  
Road Safety Act 1986 — No. 75.  
Service Victoria Act 2018 — No. 84.  
Subordinate Legislation Act 1994 — No. 61.  
Tobacco Act 1987 — No. 85.  
Transfer of Land Act 1958 — No. 74.  
Transport (Compliance and Miscellaneous) Act 1983 — No. 87.  
Wildlife Act 1975 — No. 68.  
Zero and Low Emission Vehicle Distance-based Charge Act 2021 — No. 76.
- Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 53, 55, 57, 58, 62, 64 to 71, 74, 75, 78, 79, 81, 84 to 86, 88 to 91 and 93.  
Legislative instruments and related documents under section 16B in respect of —  
Environment Protection Act 2017 —  
EPA Designation — classification of agricultural and veterinary chemical waste for the purposes of the ChemClear program of 28 May 2021.  
EPA Designation — classification of architectural and decorative waste paint for the purposes of the Paintback stewardship scheme of 9 June 2021.  
EPA Designation — classification of arsenic-contaminated waste from the City of Greater Bendigo of 9 June 2021.  
EPA Designation — classification of pharmaceutical waste for the purposes of the return unwanted medicines (RUM) project of 28 May 2021.  
EPA Determination — discharges or emissions to the atmosphere from prescribed activities of 28 May 2021.  
EPA Determination — discharges to land or surface water from prescribed activities of 28 May 2021.  
EPA Determination — exemption from requirement to hold permission — temporary storage and containment of waste oils, paints and chemicals generated at another site at a council transfer station of 28 May 2021.  
EPA Determination — permission exemption for modifications to a sewage treatment plant of 28 May 2021.  
EPA Determination — Specifications acceptable to the Authority for receiving fill material of 9 June 2021.  
EPA Determination — Specifications acceptable to the Authority for receiving processed organics of 9 June 2021.  
EPA Determination — Specifications acceptable to the Authority for receiving recycled aggregates of 9 June 2021.  
EPA Determination — Specifications for receiving livestock manure and effluent of 9 June 2021.
- Minister's Interim Order of 24 June 2021 for Amendment of the Trading Rules for Declared Water Systems (Revised Goulburn to Murray Trade Rule), under the Water Act 1989.  
Minister's Order of 28 June 2021 on the Advanced Metering Infrastructure (Retail and Network Tariffs) Order 2021, under the National Electricity (Victoria) Act 2005.  
Minister's Order of 23 June 2021 remaking of the Child Safe Standards, under the Child Wellbeing and Safety Act 2005.
- Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Members of Parliament (Victoria) Annual Adjustment Determination 2021, under section 26 of the Act.  
Wrongs Act 1958 — Notice of scale of fees and costs for referrals of medical questions to medical panels under part VBA (*Gazette No. S339, 28 June 2021*).

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Marine Safety Amendment (Better Boating Fund) Act 2020 — Whole Act — 1 July 2021  
(*Gazette No. S347, 29 June 2021*).

Mutual Recognition (Victoria) Amendment Act 2021 — Whole Act — 1 July 2021 (*Gazette No. S346, 29 June 2021*).

Planning and Environment Amendment Act 2021 — Remaining Provisions — 7 July 2021  
(*Gazette No. S372, 6 July 2021*).

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 4 August 2021 —

- (1) Order of the Day made this day, second reading of the Members of Parliament (Standards) Amendment Bill 2021;
- (2) the notice of motion given this day by Mr Davis referring a matter relating to polling contracts to the Ombudsman;
- (3) the notice of motion given this day by Mr O'Donohue on Crown Casino;
- (4) Order of the Day No. 1, resumption of debate on the second reading of the Public Health and Wellbeing Amendment (Greater Transparency and Accountability) Bill 2021; and
- (5) the notice of motion given this day by Ms Patten on Sessional Orders to make changes to the commencement of sitting day proceedings.

Question — put and agreed to.

**10 PAPER — FARE MONITORING REPORT, 2019-20** — Mr Barton moved, by leave, That there be laid before this House a copy of the Commercial Passenger Vehicles Victoria's Fare Monitoring Report, 2019-20.

Question — put and agreed to.

The Report was presented by Mr Barton and ordered to lie on the Table.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 ENERGY LEGISLATION AMENDMENT (ENERGY FAIRNESS) BILL 2021** — 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 were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

Question 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.

Mr Leane 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, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER ACTS AMENDMENT (FEDERAL JURISDICTION AND OTHER MATTERS) BILL 2021** — 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.

**14 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.37 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 114 — Wednesday, 4 August 2021

1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS** —

**NO SECONDARY LEAD SMELTER IN HAZELWOOD NORTH** — Ms Bath presented a Petition bearing 102 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke the planning approval for the Used Lead Acid Battery recycling facility in Hazelwood North and prioritise the health, safety and wellbeing of Hazelwood North residents and the Latrobe Valley community, honouring their Health Innovation Zone commitment.

Ordered to lie on the Table.

\* \* \* \* \*

**BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 109 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**SAFE ACCESS TO WONTHAGGI SECONDARY COLLEGE** — Mr O'Donohue presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund and build, as a matter of urgency, the necessary infrastructure to ensure students, parents and the broader school community have safe access

to the new junior secondary campus at Wonthaggi Secondary College in San Remo, when it opens in 2022.

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 Report on Integrated Transport Planning, August 2021 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 8 July 2021 giving approval to the granting of a licence at Gasworks Park Reserve.

Minister's Orders of 18 July 2021 giving approval to the granting of leases at — Pakenham Bushland Reserve.

Williamstown Botanic Gardens Reserve.

Ombudsman — The Ombudsman for Human Rights: A Casebook, August 2021 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of Approval of an amendment to the Victoria Planning Provisions — Amendment VC206.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 63 and 77.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 MEMBERS OF PARLIAMENT (STANDARDS) AMENDMENT BILL 2021** — Dr Cumming laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Cumming moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**6 OMBUDSMAN REFERRAL — PUBLIC OPINION POLLING CONTRACTS** — Mr Davis moved, That, under section 16 of the *Ombudsman Act 1973*, this House refers the following matters to the Ombudsman for investigation and report —

- (1) allegations raised in recent articles published in *The Australian*, which allege, based on documents obtained via freedom of information requests, that the Premier's Private Office was involved in the authorisation of procurement of public opinion polling contracts in favour of QDOS Research, a company headed by Mr John Armitage, in breach of normal, and expected procurement rules;
- (2) whether the Premier's Private Office directed the nature of questions asked in public opinion research, which would be a breach of public sector governance and Westminster protocols and conventions; and
- (3) if a breach is found to have occurred, whether this raises concerns surrounding the probity of the Department of Premier and Cabinet's decisions and advice on public opinion research and polling and whether this taxpayer funded research is being used for party political purposes rather than to inform the advice of senior public servants to government in the public interest.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

## NOES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**7 CROWN CASINO** — Mr O'Donohue moved, That —

- (1) this House —
  - (a) notes the allegations regarding the regulation of Crown Casino and criticisms of the performance of the current regulatory regime;
  - (b) further notes allegations regarding the Victorian Commission for Gambling and Liquor Regulation's failure to investigate the possible corruption of AFL betting markets;
  - (c) calls on the Andrews Labor Government to amend the Terms of Reference for the Finkelstein Royal Commission into the Casino Operator and Licence, within seven days of the House agreeing to this resolution, by inserting a paragraph that states "If you consider the casino regulatory regime, including the regulator, the Victorian Commission for Gambling and Liquor Regulation, suitable and whether you consider changes relevant to the casino regulatory regime are required";
  - (d) further notes the findings of recent New South Wales inquiries into Crown Casino under section 143 of the Casino Control Act 1992 (NSW);
  - (e) further notes the findings of Commissioner Patricia Bergin and the recommendations concerning Crown Resorts and the more general recommendations for a new regulatory body, an independent Casino Control Commission, that should be established via legislation to act as a dedicated, stand alone, specialist casino regulator with the powers of a standing royal commission;
- (2) if no variation of the Terms of Reference pursuant to paragraph (1)(c) has been gazetted within seven days of the House agreeing to this resolution, as advised to Members by the Clerk, a Select Committee be established to inquire into, consider and report, by 20 December 2021, on the implications of the Bergin Inquiry findings with respect to the existing Crown Casino licence in Victoria and casino regulation more generally in Victoria and the regulator's failure to investigate the possible corruption of AFL betting markets;
- (3) if the Committee proposes to transmit a report for the Inquiry to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —
  - (a) the Clerk must —
    - (i) as soon as practicable after the report is received give a copy of the report to each Member of the House;
    - (ii) as soon as practicable after the report is received cause the report to be published on the Tabled Documents Database and the Committee's website;
    - (iii) cause the report to be tabled in the House on the next sitting day of the House;
  - (b) the report, when given to the Clerk, is taken to have been published by order of the House;
- (4) the Committee shall consist of seven Members comprising three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
- (6) the Chair of the Committee must be a non-Government Member;
- (7) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (8) the Committee shall proceed to conduct business within seven days of its establishment, notwithstanding that all Members have not been appointed and notwithstanding any vacancy;

- (9) the Committee may examine, call for, and compel evidence in relation to the Victorian Commission for Gambling and Liquor Regulation's recently announced, self-established investigation;
- (10) consistent with the powers of the Legislative Council, the Committee may —
- (a) compel witnesses to attend the Committee;
  - (b) require the production of documents and other things; and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Debate ensued.

*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.

\* \* \* \* \*

**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 industry** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 6 August 2021.
- **Court case backlog – adjournments** — substantive question asked by Ms Maxwell — response from Ms Symes due Thursday, 5 August 2021.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

- 10 CROWN CASINO** — Debate continued on the question, That —

- (1) this House —
  - (a) notes the allegations regarding the regulation of Crown Casino and criticisms of the performance of the current regulatory regime;
  - (b) further notes allegations regarding the Victorian Commission for Gambling and Liquor Regulation's failure to investigate the possible corruption of AFL betting markets;
  - (c) calls on the Andrews Labor Government to amend the Terms of Reference for the Finkelstein Royal Commission into the Casino Operator and Licence, within seven days of the House agreeing to this resolution, by inserting a paragraph that states "If you consider the casino regulatory regime, including the regulator, the Victorian Commission for Gambling and Liquor Regulation, suitable and whether you consider changes relevant to the casino regulatory regime are required";
  - (d) further notes the findings of recent New South Wales inquiries into Crown Casino under section 143 of the Casino Control Act 1992 (NSW);
  - (e) further notes the findings of Commissioner Patricia Bergin and the recommendations concerning Crown Resorts and the more general recommendations for a new regulatory body, an independent Casino Control Commission, that should be established via legislation to act as a dedicated, stand alone, specialist casino regulator with the powers of a standing royal commission;
- (2) if no variation of the Terms of Reference pursuant to paragraph (1)(c) has been gazetted within seven days of the House agreeing to this resolution, as advised to Members by the Clerk, a Select Committee be established to inquire into, consider and report, by 20 December 2021, on the implications of the Bergin Inquiry findings with respect to the existing Crown Casino licence in Victoria and casino regulation more generally in Victoria and the regulator's failure to investigate the possible corruption of AFL betting markets;
- (3) if the Committee proposes to transmit a report for the Inquiry to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —
  - (a) the Clerk must —
    - (i) as soon as practicable after the report is received give a copy of the report to each Member of the House;
    - (ii) as soon as practicable after the report is received cause the report to be published on the Tabled Documents Database and the Committee's website;
    - (iii) cause the report to be tabled in the House on the next sitting day of the House;



- (b) the report, when given to the Clerk, is taken to have been published by order of the House;
- (4) the Committee shall consist of seven Members comprising three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
- (6) the Chair of the Committee must be a non-Government Member;
- (7) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (8) the Committee shall proceed to conduct business within seven days of its establishment, notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (9) the Committee may examine, call for, and compel evidence in relation to the Victorian Commission for Gambling and Liquor Regulation's recently announced, self-established investigation;
- (10) consistent with the powers of the Legislative Council, the Committee may —
  - (a) compel witnesses to attend the Committee;
  - (b) require the production of documents and other things; and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

*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, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until later this day.

**12 SESSIONAL ORDERS — COMMENCEMENT OF SITTING DAY PROCEEDINGS** — Ms Patten moved, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**1. Sitting and Adjournment of the Council**

Standing Order 4.02 is suspended and replaced with the following:

The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum\* of Members is present, and Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.

Standing Order 4.05(1) is suspended and replaced with the following:

The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum\* of Members is present, and Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.

\* To constitute a quorum there must be present (inclusive of the President) one-third at least of the Members of the Council [See section 32(1) of the *Constitution Act 1975*].

## 2. Broadcasting, Recording and Photography of Proceedings

Standing Order 20.02(4) is suspended and replaced with the following:

Visual and/or sound recordings and excerpts of visual and/or sound recordings must not commence until the President or Deputy President takes the Chair and must conclude on the adjournment of the Council or as soon as the Chair is vacated for a suspension of proceedings.

- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Mr Meddick moved, as amendments —

1. In paragraph (1) in relation to the suspension of Standing Order 4.02, **omit** the words after “of Members is present,” and **insert** “the President will make an Acknowledgement of Country after which Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.”.
2. In paragraph (1) in relation to the suspension of Standing Order 4.05(1), **omit** the words after “of Members is present,” and **insert** “the President will make an Acknowledgement of Country after which Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.”.

Debate ensued.

On the motion of Ms Taylor, the debate was adjourned until later this day.

## 13 PUBLIC HEALTH AND WELLBEING AMENDMENT (GREATER TRANSPARENCY AND ACCOUNTABILITY) BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

## 14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

## 15 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021 — 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.

## 16 ADJOURNMENT — Mr Leane moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.30 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 115 — Thursday, 5 August 2021

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **COMMERCIAL TENANCY RELIEF SCHEME BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to temporarily empower the making of regulations to modify the application of the law of Victoria in relation to certain commercial leases and licences and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Davis, by leave, the debate was adjourned until later this day.

3 **PETITION — BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 84 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

4 **PAPERS** —

**PLAN MELBOURNE 2017-2050 — 2020 REPORT ON PROGRESS** — Ms Stitt moved, by leave, That there be laid before this House a copy of the Plan Melbourne 2017-2050, 2020 Report on Progress.

Question — put and agreed to.

The Report was presented by Ms Stitt and ordered to lie on the Table.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA** — Pursuant to Standing Order 23.29, Ms Patten laid on the Table a Report from the Legal and Social Issues Committee on the Inquiry into the use of cannabis in Victoria (including an Appendix, 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.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Child Wellbeing and Safety Act 2005 — Child Link Two-Year Review, Final Report, under section 46X of the Act.

Falls Creek Alpine Resort Management Board — Report, 2020.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2020.

Mount Hotham Alpine Resort Management Board — Report, 2020.

Professional Standards Act 2003 —

Australian Institute of Building Surveyors Limited Professional Standards Scheme (*Gazette No. G26, 1 July 2021*).

Australian Property Institute Valuers Limited Professional Standards Scheme (*Gazette No. G26, 1 July 2021*).

Public Health and Wellbeing Act 2008 — 17<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency, under section 198(8A) of the Act.

Southern Alpine Resort Management Board — Report, 2020.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 72, 73, 87 and 94.

Victorian Environmental Assessment Council Act 2001 — Government Response to the Victorian Environmental Assessment Council's Assessment of Victoria's Coastal Reserves Final Report.

**5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 17 August 2021.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 COMMERCIAL TENANCY RELIEF SCHEME BILL 2021** — 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 —*

**8 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Veterinary staff shortages** — substantive and supplementary questions asked by Mr Meddick — response from Ms Symes due Monday, 9 August 2021.
- **Mental health impacts on workforce** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Monday, 9 August 2021.
- **Lockdown impacts on mental health** — supplementary question asked by Mr Quilty — response from Ms Symes due Monday, 9 August 2021.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

**10 COMMERCIAL TENANCY RELIEF SCHEME BILL 2021** — 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 without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Debate ensued.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Dr Cumming; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 NON-EMERGENCY PATIENT TRANSPORT AMENDMENT BILL 2021** — 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 PRIVILEGES COMMITTEE REFERENCE — BREACH OF COMMITTEE DELIBERATIONS AND REPORT CONTENTS** — Mr Atkinson moved, by leave, That this House —

(1) notes that on 5 August 2021, *The Age* newspaper and online reported the private deliberations and certain report contents in relation to the Legal and Social Issues Committee's Report on the Inquiry into the use of cannabis in Victoria before such report was tabled in the House;

(2) further notes that the article purports to quote a Member of Parliament speaking anonymously to the reporter;

(3) requires the Privileges Committee to inquire into and report to the House —

(a) on the breach of Committee deliberations and report contents;

(b) on any persons who have committed a contempt of Parliament; and

(c) on any sanctions recommended.

Debate ensued.

Question — put and agreed to.

**13 PRIVILEGES COMMITTEE MEMBERSHIP** — Mr Atkinson moved, by leave, That Ms Crozier be discharged from the Privileges Committee and Mr Davis be appointed in her place.

Question — put and agreed to.

**14 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Judicial Proceedings Reports Act 1958 in relation to certain sunset provisions, to provide for victim privacy orders and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**15 POLICE INFORMANTS ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Police Informants Royal Commission Implementation Monitor and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 O'Donohue), the debate was adjourned for one week.

**16 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.59 p.m., adjourned until Tuesday, 17 August 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 113, 114 and 115

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### ENERGY LEGISLATION AMENDMENT (ENERGY FAIRNESS) BILL 2021

*Committed Tuesday, 3 August 2021*

*Amendments circulated: Mr Rich-Phillips (pp. 836-9)*

**Clause 1** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis;  
Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue;  
Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane;  
Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt;  
Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 37** — put and agreed to.

**Bill reported without amendment.**

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### COMMERCIAL TENANCY RELIEF SCHEME BILL 2021

*Committed Thursday, 5 August 2021*

**Clauses 1 to 16** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### NON-EMERGENCY PATIENT TRANSPORT AMENDMENT BILL 2021

*Committed Thursday, 5 August 2021*

**Clauses 1 to 40** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. ENERGY LEGISLATION AMENDMENT (ENERGY FAIRNESS) BILL 2021

#### Amendments circulated by Mr Rich-Phillips

1. Clause 1, line 6, omit "prohibit" and insert "regulate".
2. Clause 5, line 16, omit "**and 40EB**" and insert "**to 40EC**".
3. Clause 5, page 3, lines 19 to 31, pages 4 to 8, and page 9, lines 1 to 21, omit all words and expressions on these lines and insert—

**"40EA Prohibition on commission or incentive payments for door-to-door sales and cold-calling**

- (1) Without limiting the generality of section 20(2) or (3), or 21, the conditions to which a licence to sell electricity held by a retailer is subject include a condition prohibiting the retailer from—
  - (a) giving an employee or agent of the retailer a commission or an incentive payment; or
  - (b) engaging an agent who receives a commission or an incentive payment other than from the retailer—

for specified sales work which results in a domestic customer entering into a supply and sale contract with the retailer.

- (2) A supply and sale contract entered into as a result of specified sales work performed by an employee or agent of the retailer who receives a commission or an incentive payment for that work is of no effect.
- (3) In this section—

**domestic customer** has the same meaning as in section 41;  
**specified sales work** means—

- (a) calling on a domestic customer at the domestic customer's ordinary place of residence for the purpose of negotiating a supply and sale contract; or
- (b) telephoning a domestic customer for the purpose of negotiating a supply and sale contract, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call.

**40EB Direct sales contracts to be lodged with the Commission**

- (1) Without limiting the generality of section 20(2) or (3), or 21, the conditions to which a licence to sell electricity held by a retailer is subject include a condition requiring the retailer to provide the Commission a copy of the supply and sale contract (a **direct sales contract**) that the retailer intends to offer to domestic customers by—
  - (a) calling on a domestic customer at the domestic customer's ordinary place of residence; or
  - (b) telephoning a domestic customer, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call; or
  - (c) requiring or permitting an employee or agent of the retailer to do a thing referred to in paragraph (a) or (b).
- (2) A direct sales contract entered into as a result of conduct described in subsection (1)(a), (b) or (c) is of no effect if the Commission has not approved the form and content of the direct sales contract before the contract is offered to the domestic customer.



- (3) The Commission must approve or reject the form and content of a direct sales contract provided by a retailer.
- (4) If the Commission rejects the form and content of a direct sales contract provided by a retailer, it must advise the retailer—
  - (a) what part or parts of the direct sales contract resulted in the rejection; and
  - (b) what changes would be required to the form and content of the direct sales contract for the Commission to approve it.
- (5) In this section—
 

**domestic customer** has the same meaning as in section 41.

**40EC Requirement for membership of approved peak body for cold-calling or door-to-door sales**

- (1) Without limiting the generality of section 20(2) or (3), or 21, the conditions to which a licence to sell electricity held by a retailer is subject include a condition requiring the retailer, or an agent of the retailer, to be a member of a peak body approved by the Commission, if the retailer—
  - (a) calls on a domestic customer at the domestic customer's ordinary place of residence for the purpose of negotiating a supply and sale contract; or
  - (b) telephones a domestic customer, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call, for the purpose of negotiating a supply and sale contract; or
  - (c) requires or permits the agent or an employee of the retailer to do a thing referred to in paragraph (a) or (b).
- (2) A supply and sale contract entered into as a result of conduct described in subsection (1)(a), (b) or (c) is of no effect if the retailer or agent, as the case requires, was not a member of an approved peak body at the time the contract was entered into.
- (3) For the purposes of this section, the Commission may approve a peak body which sets standards or guidelines in relation to cold-calling or door-to-door sales practices.
- (4) In this section—
 

**domestic customer** has the same meaning as in section 41;

**peak body** means an entity established to represent the interests of retailers.".

- 4. Clause 19, line 15, omit "**and 48DB**" and insert "**to 48DC**".
- 5. Clause 19, page 51, lines 18 to 30 and pages 52 to 57, omit all words and expressions on these lines and insert—

**"48DA Prohibition on commission or incentive payments for door-to-door sales and cold-calling**

- (1) Without limiting the generality of section 28(2) or (3), or 29, the conditions to which a licence to sell gas by retail held by a gas retailer is subject include a condition prohibiting the gas retailer from—
  - (a) giving an employee or agent of the gas retailer a commission or an incentive payment; or
  - (b) engaging an agent who receives a commission or an incentive payment other than from the gas retailer—

for specified sales work which results in a domestic customer entering into a supply and sale contract with the gas retailer.

- (2) A supply and sale contract entered into as a result of specified sales work performed by an employee or agent of the gas retailer who receives a commission or an incentive payment for that work is of no effect.

- (3) In this section—

**domestic customer** has the same meaning as in section 48E;  
**specified sales work** means—

- (a) calling on a domestic customer at the domestic customer's ordinary place of residence for the purpose of negotiating a supply and sale contract; or
- (b) telephoning a domestic customer for the purpose of negotiating a supply and sale contract, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call.

#### **48DB Direct sales contracts to be lodged with the Commission**

- (1) Without limiting the generality of section 28(2) or (3), or 29, the conditions to which a licence to sell gas by retail held by a gas retailer is subject include a condition requiring the gas retailer to provide the Commission a copy of the supply and sale contract (a **direct sales contract**) that the gas retailer intends to offer to domestic customers by—
- (a) calling on a domestic customer at the domestic customer's ordinary place of residence; or
- (b) telephoning a domestic customer, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call; or
- (c) requiring or permitting an employee or agent of the gas retailer to do a thing referred to in paragraph (a) or (b).
- (2) A direct sales contract entered into as a result of conduct described in subsection (1)(a), (b) or (c) is of no effect if the Commission has not approved the form and content of the direct sales contract before the contract is offered to the domestic customer.
- (3) The Commission must approve or reject the form and content of a direct sales contract provided by a gas retailer.
- (4) If the Commission rejects the form and content of a direct sales contract provided by a gas retailer, it must advise the gas retailer—
- (a) what part or parts of the direct sales contract resulted in the rejection; and
- (b) what changes would be required to the form and content of the direct sales contract for the Commission to approve it.
- (5) In this section—

**domestic customer** has the same meaning as in section 48E.

#### **48DC Requirement for membership of approved peak body for cold-calling or door-to-door sales**

- (1) Without limiting the generality of section 28(2) or (3), or 29, the conditions to which a licence to sell gas by retail held by a gas retailer is subject include a condition requiring the gas retailer, or an agent of the gas retailer, to be a member of a peak body approved by the Commission, if the gas retailer—
- (a) calls on a domestic customer at the domestic customer's ordinary place of residence for the purpose of negotiating a supply and sale contract; or
- (b) telephones a domestic customer, irrespective of whether the domestic customer is at their ordinary place of residence at the time of the telephone call, for the purpose of negotiating a supply and sale contract; or

(c) requires or permits the agent or an employee of the gas retailer to do a thing referred to in paragraph (a) or (b).

- (2) A supply and sale contract entered into as a result of conduct described in subsection (1)(a), (b) or (c) is of no effect if the gas retailer or agent, as the case requires, was not a member of an approved peak body at the time the contract was entered into.
- (3) For the purposes of this section, the Commission may approve a peak body which sets standards or guidelines in relation to cold-calling or door-to-door sales practices.
- (4) In this section—

**domestic customer** has the same meaning as in section 48E;

**peak body** means an entity established to represent the interests of gas retailers.".'. .

6. Clause 33, omit this clause.

7. Clause 34, lines 13 to 30, omit all words and expressions on these lines.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 116

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### No. 116 — Tuesday, 17 August 2021

- 1 The President took the Chair at 11.34 a.m., 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 10 August 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Commercial Tenancy Relief Scheme Act 2021*
  - Energy Legislation Amendment (Energy Fairness) Act 2021*
  - Non-Emergency Patient Transport Amendment Act 2021*
  - Transport Legislation Miscellaneous Amendments Act 2021*
  - Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021.*
- 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That —
  - (1) the Council, at its rising, adjourn until Tuesday, 31 August 2021, at 11.30 a.m.;
  - (2) if, in the opinion of the President, the next sitting should not proceed on the basis of health advice, and in consultation with the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, the President will delay the next sitting and set a future day and hour to meet;
  - (3) the President shall make available the health advice to all Members; and
  - (4) the President will notify Members of any changes to the next sitting date.

Debate ensued.

Mr Davis moved, as an amendment, That in paragraph (1), after “at its rising,” **insert** “which shall not be before 2.30 p.m. today,”.

Debate ensued.

Question — That the amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mr Limbrick; Ms Maxwell; Mr O’Donohue; Mr Ondarchie; Mr Quilty.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 12

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**4 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 1.09 p.m., adjourned until Tuesday, 31 August 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 117, 118 and 119

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#### No. 117 — Tuesday, 7 September 2021

- 1 The President took the Chair at 9.08 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow certain temporary arrangements to come into effect immediately and remain in place until the House resolves otherwise —
  1. **Definition of Chamber**

The lower public galleries, President's lower galleries and the lower side galleries are taken to be part of the Legislative Council Chamber.
  2. **Days and hours of meeting**

Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —

    - (a) Tuesday at 9.00 a.m.;
    - (b) Wednesday at 9.00 a.m.; and
    - (c) Thursday at 9.00 a.m.
  3. **Order of Business**

The Order of Business on Tuesday will be —

    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 11.00 a.m.** Questions
    - Constituency Questions (up to 15 Members)
    - Government Business
    - At 2.00 p.m.** Adjournment (up to 20 Members)

The Order of Business on Wednesday will be —

    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At 11.00 a.m.** Questions
    - Constituency Questions (up to 15 Members)
    - General Business
    - At 2.00 p.m.** Adjournment (up to 20 Members)

The Order of Business on Thursday will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

**At 11.00 a.m.** Questions

Constituency Questions (up to 15 Members)

Government Business

**At 2.00 p.m.** Adjournment (up to 20 Members).

#### 4. Member not in the Chamber when called on

- (1) When the Chair calls a Member and they are not in the Chamber, the Chair will ring the bells for up to three minutes to give that Member time to attend the Chamber.
- (2) The Chair will request the bells be stopped when the Member returns to their place or at the conclusion of three minutes, whichever is sooner.
- (3) If after three minutes the Member is not in their place, the Chair will call on another Member (if there are any) or will put the question to the House or move to the next item of business.

#### 5. Time limits — General Business

Sessional Order 8 is suspended and the following time limits for General Business will apply —

##### General Business (Standing Order 5.07)

Total time	80 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

#### 6. Incorporation of notices of motion

- (1) Members may submit notices of motion in writing for publication on the Notice Paper.
- (2) Members may submit notices of motion by —
  - (a) providing them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by 10.00 a.m. on a sitting day; and
  - (b) stating that the notice is for incorporation and request that the motion be published on the Notice Paper.
- (3) The House authorises and requires notices of motion submitted in writing to be treated the same as any notices given verbally in the House.

#### 7. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate —
  - (a) Members' statements;
  - (b) constituency questions;
  - (c) adjournment debate matters;
  - (d) their second reading speech of any bills debated; and/or
  - (e) their contribution to any Government or General Business motion moved;
 they may provide them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The Clerk may only accept matters up to the number allocated for that day and as allocated between the parties and independents, in conjunction with any matters verbally given in the House.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.



- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

### 8. Acting Presidents

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting Presidents may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

Debate ensued.

Question — put and agreed to.

### 3 PETITIONS —

**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**PREVENT LOCAL COUNCILS ACCEPTING UNSOLICITED LAND PROPOSALS** — Mr Hayes presented a Petition bearing 273 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Local Government to take action to prevent local councils from accepting unsolicited proposals to purchase land and from exchanging public land for infrastructure.

Ordered to lie on the Table.

\* \* \* \* \*

**SUSPEND KANGAROO HARVEST AND IMPROVE COUNTING METHOD** — Dr Ratnam presented a Petition bearing 487 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to suspend the 2021 Kangaroo Harvest Program (KHP), apply improved and accurate methods of counting kangaroos and move the Mornington Peninsula Shire Council out of the KHP Gippsland zone and place it in the Metropolitan Melbourne zone.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP SAND MINING IN THE LANG LANG TO GRANTVILLE FOREST CORRIDOR** — Ms Shing presented a Petition bearing 2,719 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to place an immediate moratorium on sand mining work authorities within this fragile Lang Lang to Grantville forest corridor and ensure all existing remnant forest is protected from removal.

Ordered to lie on the Table.

- 4 RESIDENTIAL TENANCIES (COVID-19 EMERGENCY PROTECTIONS) AMENDMENT BILL 2021** — Dr Ratnam introduced *A Bill for an Act to temporarily amend the Residential Tenancies Act 1997 to provide extra protections for tenants affected by the COVID-19 pandemic and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 5 TRANSPORT LEGISLATION AMENDMENT (TRANSPORT PLAN) BILL 2021** — Dr Ratnam introduced *A Bill for an Act to amend the Transport Integration Act 2010 to require the transport plan to include a hierarchy of modes of transport and targets for the transport sector and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

## 6 PAPERS —

**HOMES VICTORIA — GROUND LEASE MODEL PROJECT — PROJECT SUMMARY** — Ms Stitt moved, by leave, That there be laid before this House a copy of Homes Victoria's Ground Lease Model Project — Project Summary.

Question — put and agreed to.

The Report was presented by Ms Stitt and ordered to lie on the Table.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — MANAGEMENT OF CHILD SEX OFFENDER INFORMATION** — Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into management of child sex offender information (including Appendices and a Minority Report), together with Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PARLIAMENTARY BUDGET OFFICER** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the Inquiry into the Parliamentary Budget Officer (including Appendices), together with Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Taylor moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 10 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**AUDITOR-GENERAL — MAJOR INFRASTRUCTURE PROGRAM DELIVERY CAPABILITY** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 19 August 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Major Infrastructure Program Delivery Capability, August 2021.

\* \* \* \* \*

**VICTORIA'S INFRASTRUCTURE STRATEGY 2021-2051** — Pursuant to section 35(4)(c) of the *Infrastructure Victoria Act 2015*, and following the transmission of the report on 19 August 2021, the Clerk laid on the Table a copy of Victoria's infrastructure strategy 2021-2051 (including Appendices).

\* \* \* \* \*

**AUDITOR-GENERAL — CLINICAL GOVERNANCE: DEPARTMENT OF HEALTH** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 1 September 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Clinical Governance: Department of Health, September 2021.

\* \* \* \* \*

**OFFICE OF THE INFORMATION COMMISSIONER — OWN-MOTION REPORT** — Pursuant to section 61T(4)(c) of the *Freedom of Information Act 1982*, and following the transmission of the report on 1 September 2021, the Clerk laid on the Table a copy of the Office of the Information Commissioner's Report on Impediments to timely FOI and information release: Own-motion investigation under s 61O of the *Freedom of Information Act 1982* (Vic).

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Duties Act 2000 — Treasurer's Report for 1 January to 30 June 2021 of Foreign Purchaser Additional Duty Exemptions, under section 3E of the Act.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 20 August 2021 to not require the service of a notice of intention to acquire an interest in land, under section 7 of the Act

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2021 (*Ordered to be published*).

Parliamentary Salaries, Allowances and Superannuation Act 1968 — Compliance Officer — Statement of Findings: Appeal of a decision to reject a claim under the Electorate Office and Communications Budget, under section 9H of the Act (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C351 and C359.

Brimbank Planning Scheme — Amendment C210.

Cardinia, Melton, Surf Coast and Wyndham Planning Schemes — Amendment GC190.

Casey Planning Scheme — Amendment C278.

Darebin Planning Scheme — Amendment C161.

East Gippsland Planning Scheme — Amendments C154 and C158.

Golden Plains Planning Scheme — Amendment C97.

Greater Shepparton Planning Scheme — Amendment C232.

Latrobe Planning Scheme — Amendment C130.

Macedon Ranges Planning Scheme — Amendment C126 (Part 1).

Maribyrnong Planning Scheme — Amendments C158, C159 and C161.

Melbourne Planning Scheme — Amendments C371 and C392.

Melton Planning Scheme — Amendment C218.

Mildura Planning Scheme — Amendment C112.

Mitchell Planning Scheme — Amendment C151.

Moreland Planning Scheme — Amendment C189.

Mornington Peninsula Planning Scheme — Amendments C253 and C285.

Nillumbik Planning Scheme — Amendment C139.

Nillumbik and Whittlesea Planning Schemes — Amendment GC92.

Port Phillip Planning Scheme — Amendments C167, C181 and C193.

Victoria Planning Provisions — Amendments VC171 and VC196.

Wangaratta Planning Scheme — Amendment C55.

Wyndham Planning Scheme — Amendment C241.

Yarra Planning Scheme — Amendments C270 and C295.

Yarra Ranges Planning Scheme — Amendment C177.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — Personal Safety Intervention Orders Act 2010 — No. 113.

Commercial Tenancy Relief Scheme Act 2021 — No. 103.

Conservation, Forests and Lands Act 1987 — No. 110.

County Court Act 1958 — No. 98.

Forests Act 1958 — No. 108.

Gene Technology Act 2001 — No. 94.

Land Act 1958 — Nos. 107 and 109.

Long Service Benefits Portability Act 2018 — No. 95.

Magistrates' Court Act 1989 — No. 102.

Magistrates' Court Act 1989 — Personal Safety Intervention Orders Act 2010 — No. 101.

Occupational Health and Safety Act 2004 — No. 112.

Personal Safety Intervention Orders Act 2010 — No. 99.

Planning and Environment Act 1987 — No. 100.

Professional Engineers Registration Act 2019 — No. 106.

Public Health and Wellbeing Act 2008 — No. 96.

- Road Safety Act 1986 — No. 111.  
 Supreme Court Act 1986 — Nos. 104 and 105.  
 Victorian Energy Efficiency Target Act 2007 — No. 97.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 13/2020, 59, 60, 76, 80, 82, 83, 92, 95, 96, 98 to 102, 104 to 109 and 111 to 113.  
 Legislative instruments and related documents under section 16B in respect of —  
 Ministerial Direction No. 1 – Potentially Contaminated Land, of 15 August 2021, under the Planning and Environment Act 1987.  
 Ministerial Order No. 1328 – Order Amending Ministerial Order No. 1038 – Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017 and Ministerial Order No. 1039 – School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017, of 27 July 2021, under the Education and Training Reform Act 2006.  
 Victorian Electoral Commission — Report to Parliament on the 2020 Local Government elections, August 2021.  
 Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, 1 January to 30 June 2021.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Cemeteries and Crematoria Amendment Act 2021 — Parts 1, 2 and 4 — 15 November 2021 (*Gazette No. S460, 24 August 2021*).  
 Justice Legislation Amendment (System Enhancement and Other Matters) Act 2021 — Part 22 — 9 August 2021 (*Gazette No. S420, 3 August 2021*).  
 Transport Legislation Amendment Act 2020 — Sections 43, 44, 46, 47 and 48 — 25 August 2021 (*Gazette No. S460, 24 August 2021*) — Section 32(2) — 31 August 2021 (*Gazette No. S473, 31 August 2021*).  
 Transport Legislation Miscellaneous Amendments Act 2021 — Division 3 of Part 8 — 25 August 2021 (*Gazette No. S460, 24 August 2021*).

**7 BUSINESS OF THE COUNCIL** — Ms Maxwell moved, by leave, That precedence be given to the following General Business on Wednesday, 8 September 2021 —

- (1) Order of the Day made this day, second reading of the Transport Legislation Amendment (Transport Plan) Bill 2021;
- (2) Order of the Day No. 1, resumption of debate on the second reading of the Members of Parliament (Standards) Amendment Bill 2021;
- (3) the notice of motion given this day by Dr Cumming referring a matter to the Legal and Social Issues Committee relating to the effects of COVID-19 on the physical and mental health of Victorians;
- (4) the notice of motion given this day by Ms Crozier on the production of documents relating to the Victorian Agency for Health Information's 2021 data detailing mental health impacts;
- (5) the notice of motion given this day by Mr Davis on the West Gate Tunnel Project; and
- (6) the notice of motion given this day by Ms Maxwell on illegal tobacco.

Question — put and agreed to.

**8 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA** — Ms Terpstra moved, by leave, That the resolutions of the Council of 30 October 2019, 17 March 2021 and 8 June 2021 and the resolution of the Committee of 1 June 2020, requiring the Environment and Planning Committee to inquire into, consider and report, by 31 October 2021, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, be amended so as to now require the Committee to present its report by 18 November 2021.

Question — put and agreed to.

- 9 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA** — Ms Terpstra moved, by leave, That the resolution of the Council of 19 February 2020 and the resolution of the Committee of 1 June 2020, requiring the Environment and Planning Committee to inquire into, consider and report, by 31 August 2021, on actions to minimise the health impacts of air pollution in Victoria, be amended so as to now require the Committee to present its report by 28 October 2021.

Question — put and agreed to.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

- 11 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue, Ms Patten and Ms Symes were circulated.

Question — put and agreed to.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council earlier this day —*

- 12 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**PUBLIC HEALTH ORDERS — COMPLIANCE WITH COUNCIL ORDERS FOR DOCUMENTS** — Ms Symes having given answers to a question without notice and supplementary question relating to compliance with Council orders for the production of documents relating to public health orders —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Regional tennis facility, Monash** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 9 September 2021.
- **Kangaroo processing facility, Inglewood** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 9 September 2021.
- **Allied Health professionals support** — substantive question asked by Mr O'Donohue — response from Ms Pulford due Wednesday, 8 September 2021.
- **Offshore gas exploration** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Pulford due Wednesday, 8 September 2021.

- 13 BUSINESS OF THE HOUSE — REMOTE PARTICIPATION** — Dr Ratnam moved, by leave, That this House —

- (1) acknowledges the need to ensure that the sitting of the Victorian Parliament be conducted in a way that protects staff and Members of Parliament as much as possible from being exposed to COVID-19 and supports the participation of Members of Parliament who may be directly or indirectly impacted by the pandemic;
- (2) requires that the President present a written report to the House prior to the Adjournment Debate on Thursday, 9 September 2021 on the following —
  - (a) how the Chamber can facilitate remote participation of Members;
  - (b) how voting can be conducted if a Member is unwell or isolating due to COVID-19 exposure;
  - (c) if there are any legal or constitutional impediments to remote participation and how these can be resolved;

- (d) if staggered hours between the Legislative Council and Legislative Assembly should continue for the remaining sitting schedule for 2021 and how this will be managed when the Council needs to extend sitting for the purposes of completing a debate;
- (3) further requires the President, in consultation with the Procedure Committee, to —
- (a) develop a set of temporary orders that would enable a hybrid sitting to occur which permits remote participation and enables a Member's position on a question to be recorded;
  - (b) circulate a draft set of temporary orders to the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, by 12.00 noon on the Friday preceding the next sitting week for feedback;
  - (c) circulate a final set of recommended temporary orders to all Members of the Council by 12.00 noon on the Monday of the sitting week;
- and the President will, as a matter of precedence over all other business at the next sitting of the Council, permit any Member, by leave, to move that the recommended temporary orders be agreed to, and such question may be debated and amendments moved.

Debate ensued.

Question — put and agreed to.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

**15 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021** — Bill 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.

**16 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

And then the Council, at 2.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 118 — Wednesday, 8 September 2021

- 1 The President took the Chair at 9.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.  
Ordered to lie on the Table.
- 3 **ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO EXPANDING MELBOURNE'S FREE TRAM ZONE** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Report on the Inquiry into expanding Melbourne's free tram zone.

- 4 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Auditor-General's Report on Managing Conflicts of Interest in Procurement, September 2021  
(*Ordered to be published*).

- 5 RIGHT OF REPLY — MR MARK DIXON, CEO, CITY OF WODONGA** — Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Mark Dixon, CEO, City of Wodonga, relating to comments made by Mr Tim Quilty MLC, during the Adjournment Debate on 5 August 2021.

Ordered to lie on the Table and to be published.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 7 TRANSPORT LEGISLATION AMENDMENT (TRANSPORT PLAN) BILL 2021** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

- 8 MEMBERS OF PARLIAMENT (STANDARDS) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Debate having concluded — Ms Tierney moved, That the question, That the Bill be now read a second time, be put on the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

NOES, 3

Mr Hayes; Mr Limbrick; Mr Quilty.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

Question agreed to.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 610, be postponed until later this day.

- 10 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH** — Ms Crozier moved, That this House —

- (1) expresses its concern at the widespread mental health impacts of the Government's public health orders and lockdowns; and
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all reports and datasets compiled in 2021 by the Victorian Agency for Health Information concerning the mental health of Victorians, including the reports titled 'MH and AoD treatment services in Victoria'.

Debate ensued.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 7 September 2021 —*

**11 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Community corrections orders enforcement** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 10 September 2021.
- **East Gippsland emergency services training** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 9 September 2021.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH** — Debate resumed on the question, That this House —

- (1) expresses its concern at the widespread mental health impacts of the Government's public health orders and lockdowns; and
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all reports and datasets compiled in 2021 by the Victorian Agency for Health Information concerning the mental health of Victorians, including the reports titled 'MH and AoD treatment services in Victoria'.

Question — put and agreed to.

**14 WEST GATE TUNNEL PROJECT** — Mr Davis moved, That this House —

- (1) notes the material released in August 2021 by Transurban on the West Gate Tunnel (WGT) Project to investors, including that —
  - (a) tunnelling has not commenced as a result of disputes arising between the project parties;
  - (b) project completion in 2023 is no longer achievable and, due to continued uncertainty in relation to the resolution of commercial matters and timing for commencement of tunnelling, a further update on the expected project completion date cannot be provided at this stage;
  - (c) the contracted total cost of the project was \$6.7 billion, with estimates of additional costs to complete the project differing among project parties and remaining uncertain, however based on preliminary independent analysis, Transurban estimates the D&C subcontractors' construction costs could increase by \$3.3 billion, with the D&C subcontractors' claims being higher;
  - (d) in order to reach a commercial settlement, Transurban believes all project parties would be required to make a meaningful financial contribution;
- (2) further notes the WGT Project, a Transurban market led proposal, was signed in December 2017 and was subject to a report by the Victorian Auditor-General;
- (3) further notes the mismanagement of the WGT Project by the Andrews Labor Government, a project that is now late, over budget and the subject of legal dispute;
- (4) insists that the State Government pay no more than the contracted amount and not further extend any toll concession; and
- (5) calls for a pause on the collection of WGT related tolls levied on existing CityLink roads.

On the motion of Mr Finn, the debate was adjourned until the next day of meeting.

**15 SALE OF ILLICIT TOBACCO IN VICTORIA** — Ms Maxwell moved, That this House —

- (1) expresses concern at the proliferation of illicit tobacco in Victoria;
- (2) acknowledges the criminal implications arising from the sale of illegal tobacco and the impact on law-abiding tobacco retailers;
- (3) recognises opportunities to strengthen state responses to the retail sale of illicit tobacco in Victoria; and



- (4) calls on the Government to explain what action is being taken to disrupt and halt black market tobacco distribution sales in Victoria.

Debate ensued.

Question — put and agreed to.

**16 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 2.10 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 119 — Thursday, 9 September 2021

- 1 The President took the Chair at 9.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — SCIENTIFIC EVIDENCE FOR COVID-19 PLAYGROUND CLOSURES** — Mr Limbrick presented a Petition bearing 3,603 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately table in the Legislative Council, the scientific evidence demonstrating the necessity for playground closures as part of the COVID-19 restrictions or lift the closure of playgrounds without delay.  
Ordered to lie on the Table.
- 3 **MEAT INDUSTRY AMENDMENT (RABBIT FARMS) BILL 2021** — Mr Meddick introduced *A Bill for an Act to amend the Meat Industry Act 1993 in relation to rabbits and rabbit farming and for other purposes*.  
On the motion of Mr Meddick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 114.
- 5 **PRODUCTION OF DOCUMENTS — 2021 DUCK HUNTING SEASON** — The Clerk laid on the Table a letter from the Attorney-General, dated 3 September 2021, in response to the Resolution of the Council of 17 March 2021 (on the motion of Mr Bourman) and further to the Government's initial response of 4 May 2021, relating to the 2021 Duck Hunting Season, identifying 307 documents within the scope of the order, claiming Executive privilege over 9 documents in full and 23 documents in part.  
The Clerk further laid on the Table 275 documents in full and 23 documents in part, together with schedules of the identified documents.
- 6 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 14 September 2021 at 9.00 a.m.  
Question — put and agreed to.
- 7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 8 **POLICE INFORMANTS ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr O'Donohue 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 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.

**9 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP) BILL 2021** — 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.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 7 September 2021 —*

**10 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Transurban – West Gate Tunnel** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 13 September 2021.
- **TAFE Ambassador role** — substantive question asked by Dr Bach — response from Ms Tierney due Friday, 10 September 2021.
- **Fuel reduction plans** — substantive and supplementary questions asked by Mr Bourman — response from Ms Symes due Monday, 13 September 2021.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 ENERGY LEGISLATION AMENDMENT BILL 2021** — 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.

**13 PAPER — PRESIDENT'S REPORT — REMOTE PARTICIPATION** — Pursuant to an Order of the Council of 7 September 2021, the President presented a report on how the Chamber can facilitate remote participation of Members, including comments on the legal or constitutional impediments to this, how voting can be conducted if a Member is unwell or isolating due to COVID-19 and how sitting hours could be managed.

Ordered to lie on the Table.

**14 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 1.18 p.m., adjourned until Tuesday, 14 September 2021.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 117, 118 and 119

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### JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021

*Committed Tuesday, 7 September 2021*

*Amendments circulated: Mr O'Donohue (pp. 859-60), Ms Patten (pp. 861-2) and Ms Symes (pp. 862-3)*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Symes moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — put and agreed to.

**Clause 4** — Ms Symes moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put and agreed to

Clause 4, as amended — put and agreed to.

**Clause 5** — Question — That Clause 5 stands part of the Bill — put and negatived.

**Clause 6** — put and agreed to.

**New Clause** — Ms Symes moved Amendment No. 7.

Question — That the New Clause stands part of the Bill — put and agreed to.

**Clause 7** — put and agreed to.

**Clause 8** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr O'Donohue; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Ms Patten moved Amendment No. 2.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 3 to 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Meddick; Mr O'Donohue; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Dr Cumming; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Limbrick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr O'Donohue moved Amendment Nos. 6 and 7.

Question — That the amendments be agreed to — put and agreed to.

Ms Patten moved Amendment No. 5.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 8 to 12.

Question — That the amendments be agreed to — put and agreed to.

Ms Patten moved Amendment No. 11.

Question — That the amendment be agreed to — put and agreed to.

Ms Patten moved Amendment No. 12.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 14 to 16.

Question — That the amendments be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 17.

Question — That the amendment be agreed to — put and agreed to.

Ms Patten moved Amendment No. 16.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 18 to 22.

Question — That the amendments be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 24.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 25 to 27.

Question — That the amendments be agreed to — put and agreed to.

Ms Patten moved Amendment No. 26.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 28.

Question — That the amendment be agreed to — put and agreed to.

Ms Patten moved Amendment No. 28.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 29 and 30.

Question — That the amendments be agreed to — put and agreed to.

Ms Patten moved Amendment Nos. 31 and 32.

Question — That the amendments be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 31.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 33 to 35.

Question — That the amendments be agreed to — put and agreed to.

Ms Patten moved Amendment No. 37.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 36.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 37.

Question — That the amendment be agreed to — put and agreed to.

Ms Patten moved Amendment No. 39.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment No. 38.

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved Amendment Nos. 39 and 40.

Question — That the amendments be agreed to — put and negatived.

Clause 8, as amended — put and agreed to.

**Clause 9** — put and agreed to.

**Bill reported with amendments.**

**POLICE INFORMANTS ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2021**

*Committed Thursday, 9 September 2021*

*Amendments circulated: Mr O'Donohue (p. 863)*

**Clauses 1 to 27** — put and agreed to.

**Clause 28** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 28 — put and agreed to.

**Clause 29** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021**Amendments circulated by Mr O'Donohue

1. Clause 8, lines 17 and 18, omit "or an applicable offence".
2. Clause 8, lines 25 and 26, omit all words and expressions on these lines.
3. Clause 8, page 5, after line 2 insert—

**"domestic partner** has the same meaning as it has in section 3 of the **Children, Youth and Families Act 2005**;"
4. Clause 8, page 5, after line 7 insert—

**"parent** has the same meaning as it has in section 3 of the **Children, Youth and Families Act 2005**;"
5. Clause 8, page 5, after line 16 insert—

**"spouse** has the same meaning as it has in section 3 of the **Children, Youth and Families Act 2005**;"
6. Clause 8, page 6, line 5, omit "of—" and insert "of a sexual offence or an alleged sexual offence".
7. Clause 8, page 6, lines 6 to 17, omit all words and expressions on these lines.
8. Clause 8, page 6, line 24, omit "of—" and insert "of a sexual offence or an alleged sexual offence; and".
9. Clause 8, page 6, lines 25 to 32, omit all words and expressions on these lines.
10. Clause 8, page 7, line 2, omit "to—" and insert "to the applicant".
11. Clause 8, page 7, lines 3 to 8, omit all words and expressions on these lines.
12. Clause 8, page 7, line 18, omit "or an alleged applicable offence".
13. Clause 8, page 7, after line 24 insert—

"(7) An application for a victim privacy order must be served on—

  - (a) the spouse or domestic partner of the deceased affected person; and
  - (b) any person with whom the deceased affected person had an intimate personal relationship at the time the affected person died; and
  - (c) any living parent of the deceased affected person; and
  - (d) any living adult child of the deceased affected person.

(8) Any person served with an application for a victim privacy order may appear and be heard at the hearing of the application."
14. Clause 8, page 8, lines 19 and 20, omit "or an applicable offence or an alleged applicable offence".
15. Clause 8, page 8, line 21, omit "necessary—" and insert "necessary to avoid causing undue distress to the applicant".
16. Clause 8, page 8, lines 22 to 29, omit all words and expressions on these lines.
17. Clause 8, page 9, lines 5 and 6, omit "or, if applicable, the child of the affected person".
18. Clause 8, page 9, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".

19. Clause 8, page 9, lines 25 and 26, omit "in the case of an application by a person with a sufficient interest,".
20. Clause 8, page 12, line 5, omit "persons; or" and insert "persons."
21. Clause 8, page 12, lines 6 to 10, omit all words and expressions on these lines.
22. Clause 8, page 12, lines 14 to 16, omit ", or if that person is a child of an affected person, the affected person,".
23. Clause 8, page 13, line 4, after "organisation" insert "or any person referred to in section 4D(7)".
24. Clause 8, page 13, line 29, omit "necessary—" and insert "necessary to avoid causing undue distress to that person."
25. Clause 8, page 13, lines 30 to 33, omit all words and expressions on these lines.
26. Clause 8, page 14, lines 1 to 5, omit all words and expressions on these lines.
27. Clause 8, page 14, lines 15 and 16, omit "or, if applicable, the child of the affected person".
28. Clause 8, page 14, lines 22 to 24, omit "or an applicable offence or an alleged applicable offence".
29. Clause 8, page 15, lines 27 and 28, omit "or an applicable offence or an alleged applicable offence".
30. Clause 8, page 16, lines 9 and 10, omit "or an applicable offence or an alleged applicable offence".
31. Clause 8, page 17, lines 9 and 10, omit "or the applicable offence or alleged applicable offence".
32. Clause 8, page 20, line 12, after "organisation" insert "or any person referred to in section 4D(7)".
33. Clause 8, page 21, lines 5 and 6, omit "or, if applicable, the child of the affected person".
34. Clause 8, page 21, lines 7 and 8, omit "in the case of an application by a person with a sufficient interest,".
35. Clause 8, page 21, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".
36. Clause 8, page 21, lines 34 and 35, omit "if the applicant is a person described in subsection (1)(b)(ii),".
37. Clause 8, page 24, lines 28 and 29, omit "or the applicable offence or alleged applicable offence".
38. Clause 8, page 25, lines 10 and 11, omit "or the applicable offence or alleged applicable offence".
39. Clause 8, page 25, line 25, omit 'law.'" and insert "law."
40. Clause 8, page 25, after line 25 insert—

**"4T Review of this Part**

- (1) The Minister must review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 2 years from the date of commencement of this Part.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years referred to in subsection (2)."



Amendments circulated by Ms Patten

1. Clause 8, lines 17 and 18, omit "or an applicable offence".
2. Clause 8, lines 25 to 28, omit all words and expressions on these lines.
3. Clause 8, page 6, line 5, omit "of—" and insert "of a sexual offence or an alleged sexual offence".
4. Clause 8, page 6, lines 6 to 17, omit all words and expressions on these lines.
5. Clause 8, page 6, line 23, after "of the" insert "deceased".
6. Clause 8, page 6, line 24, omit "of—" and insert "of a sexual offence or an alleged sexual offence; and".
7. Clause 8, page 6, lines 25 to 32, omit all words and expressions on these lines.
8. Clause 8, page 7, line 2, omit "to—" and insert "to the applicant".
9. Clause 8, page 7, lines 3 to 8, omit all words and expressions on these lines.
10. Clause 8, page 7, line 18, omit "or an alleged applicable offence".
11. Clause 8, page 7, line 21, omit "affected person" and insert "deceased affected person when alive".
12. Clause 8, page 8, line 17, after "of the" insert "deceased".
13. Clause 8, page 8, lines 19 and 20, omit "or an applicable offence or an alleged applicable offence".
14. Clause 8, page 8, line 21, omit "necessary—" and insert "necessary to avoid causing undue distress to the applicant".
15. Clause 8, page 8, lines 22 to 29, omit all words and expressions on those lines.
16. Clause 8, page 9, lines 7 and 8, omit "in the case of an application by a person with a sufficient interest,".
17. Clause 8, page 9, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".
18. Clause 8, page 9, lines 25 and 26, omit "in the case of an application by a person with a sufficient interest,".
19. Clause 8, page 12, line 5, omit "persons; or" and insert "persons".
20. Clause 8, page 12, lines 6 to 10, omit all words and expressions on these lines.
21. Clause 8, page 12, lines 14 to 16, omit ", or if that person is a child of an affected person, the affected person,".
22. Clause 8, page 13, line 29, omit "necessary—" and insert "necessary to avoid causing undue distress to the applicant".
23. Clause 8, page 13, lines 30 to 33, omit all words and expressions on these lines.
24. Clause 8, page 14, lines 1 to 5, omit all words and expressions on these lines.
25. Clause 8, page 14, lines 15 and 16, omit "or, if applicable, the child of the affected person".
26. Clause 8, page 14, lines 17 and 18, omit "in the case of an application by a person with a sufficient interest,".
27. Clause 8, page 14, lines 22 to 24, omit "or an applicable offence or an alleged applicable offence".
28. Clause 8, page 15, line 25, omit "an" and insert "a deceased".
29. Clause 8, page 15, lines 27 and 28, omit "or an applicable offence or an alleged applicable offence".

30. Clause 8, page 16, lines 9 and 10, omit "or an applicable offence or an alleged applicable offence".
31. Clause 8, page 16, line 13, after "of the" insert "deceased".
32. Clause 8, page 17, line 7, after "of the" insert "deceased".
33. Clause 8, page 17, lines 9 and 10, omit "or the applicable offence or alleged applicable offence".
34. Clause 8, page 21, lines 5 and 6, omit "or, if applicable, the child of the affected person".
35. Clause 8, page 21, lines 7 and 8, omit "in the case of an application by a person with a sufficient interest,".
36. Clause 8, page 21, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".
37. Clause 8, page 24, line 26, after "of the" insert "deceased".
38. Clause 8, page 24, lines 28 and 29, omit "or the applicable offence or alleged applicable offence".
39. Clause 8, page 25, line 7, after "of the" insert "deceased".
40. Clause 8, page 25, lines 10 and 11, omit "or the applicable offence or alleged applicable offence".

Amendments circulated by Ms Symes

1. Clause 2, line 9, omit "sections 4 and 6" and insert "section 4(1)".
2. Clause 2, page 2, line 2, omit "4" and insert "4(1)".
3. Clause 2, page 2, lines 4 and 5, omit all words and expressions on these lines.
4. Clause 4, line 4, omit "After" and insert "(1) After".
5. Clause 4, after line 14 insert—
  - (2) For section 4(1BF)(a) and (b) of the Principal Act **substitute**—
    - "(a) in the case of a living victim—
      - (i) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
      - (ii) that it is in the public interest to make the order; and
    - (b) in the case of a deceased victim—
      - (i) that it has taken into account the views of the deceased victim, if those views are known following reasonable enquiries; and
      - (ii) that the views of any family members of the deceased victim are taken into account, if those views are known following reasonable enquiries, unless the family member is also the alleged offender or convicted offender; and
      - (iii) that it is in the public interest to make the order."
  - (3) In section 4(1BG)(b)(i) of the Principal Act, for "an adult" **substitute** "a living adult".
6. Clause 5, omit this clause.

NEW CLAUSE

7. After clause 6 insert the following New Clause—

**'6A New section 4C inserted**

Before section 5 of the Principal Act **insert**—

**"4C Test for permitted publication on and after 14 December 2021**

- (1) On 14 December 2021—
  - (a) for section 4(1BF)(a) and (b) **substitute**—
    - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
    - (b) that it is in the public interest to make the order."; and
  - (b) in section 4(1BG)(b)(i), for "a living" **substitute** "an".
- (2) This section is **repealed** on 16 December 2021.".'.
  - (a) for the reporting period 1 July 2021 to 30 June 2022, by 30 August 2022; or
  - (b) for any other reporting period, by the later of—
    - (i) each year by 30 November; or
    - (ii) within 60 days after receiving an implementation report."

**2. POLICE INFORMANTS ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2021****Amendments circulated by Mr O'Donohue**

Clause 28, page 18, lines 22 to 25, omit all words and expressions on these lines and insert—

"Parliament—

- (a) for the reporting period 1 July 2021 to 30 June 2022, by 30 August 2022; or
- (b) for any other reporting period, by the later of—
  - (i) each year by 30 November; or
  - (ii) within 60 days after receiving an implementation report."





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 120, 121 and 122

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#### No. 120 — Tuesday, 14 September 2021

- 1 The President took the Chair at 9.08 a.m., 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 this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly:
  - Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021*
  - Energy Legislation Amendment Act 2021*
  - Police Informants Royal Commission Implementation Monitor Act 2021.*
- 3 **TEMPORARY ORDERS — GENERAL BUSINESS TIME LIMITS** — Mr Davis moved, by leave, That temporary order no. 5, agreed to by the House on 7 September 2021, be revoked and replaced with the following —
  1. **Time limits — General Business**

Sessional Order 8 is suspended and the following time limits for General Business will apply —

**General Business (Standing Order 5.07)**

Total time	60 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

Question — put and agreed to.
- 4 **TEMPORARY ORDERS — STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Mr Davis moved, by leave, That the resolution of the House agreed to on 7 September 2021 be amended as follows —
  1. **Order of Business — Wednesday**

The Order of Business on Wednesday outlined in temporary order no. 3, be replaced with the following —

    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At 11.00 a.m.** Questions
    - Constituency Questions (up to 15 Members)
    - General Business

Statements on reports, papers and petitions (by incorporation only)

**At 2.00 p.m.** Adjournment (up to 20 Members)

**2. Business to be incorporated only in Hansard**

- (1) In addition to business that may be incorporated in Hansard under temporary order no. 7, Members shall submit their contribution to Statements on reports, papers and petitions by providing them electronically to the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)) by the adjournment of the House.
- (2) The House authorises and requires matters to be published in Hansard at the point in the order of business that the item would have occurred.
- (3) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (4) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

Debate ensued.

Question — put and agreed to.

- 5 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021**— 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.

- 6 LIQUOR CONTROL REFORM AMENDMENT BILL 2021**— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to reform the categories of licences authorising the supply of liquor including the introduction of a new licence category, to address the risks of large packaged liquor outlets in order to reduce harm, to make amendments to the review of decisions, to abolish dry areas and to make other related amendments to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned until the next day of meeting.

- 7 OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994 and the Workplace Injury Rehabilitation and Compensation Act 2013 in relation to labour hire arrangements, insurance and indemnities, notice requirements and the powers of certain persons and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned until the next day of meeting.

- 8 RACING AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to remove the prohibition on racing on Good Friday and make other minor and technical amendments* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 9 SOCIAL SERVICES REGULATION BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Social Services Regulator and the worker and carer exclusion scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), by leave, the debate was adjourned until later this day.

## 10 PETITIONS —

**RESTRICT DEVELOPMENT IN ROSANNA UNDER BANYULE PLANNING SCHEME AMENDMENT C160** — Mr Atkinson presented a Petition bearing 1,824 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restrict any further development of land within the Rosanna railway precinct under Banyule Planning Scheme Amendment C160 and planning permit application P384/2021 until a maximum building height of four storeys with no reduction to car parking requirements is applied.

Ordered to lie on the Table.

On the motion of Mr Atkinson, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**ALLOW A SAFE RETURN TO GOLF DURING LOCKDOWN** — Mr Davis presented a Petition bearing 653 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately implement COVIDSafe Plans that will allow playing golf within imposed travel limits during COVID-19 lockdowns.

Ordered to lie on the Table.

\* \* \* \* \*

**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP THE PROPOSED SKY RAIL AT PARKDALE** — Mr Davis presented a Petition bearing 2,881 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop work on the proposed sky rail at Parkdale, conduct community consultation that includes local residents, small businesses and the South East Community Forum and ensure that level crossings at Warrigal Road, Mentone and Parkdale Railway Station are placed underground.

Ordered to lie on the Table.

On the motion of Mr Davis, the petition was ordered to be taken into consideration on the next day of meeting.

**KEEP SCHOOLS OPEN DURING COVID-19 LOCKDOWNS** — Mr Limbrick presented a Petition bearing 1,777 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to keep schools open during COVID-19 lockdowns by using mitigation measures such as personal hygiene, cleaning, improved ventilation and physical distancing and implementing a traffic light system, if required.

Ordered to lie on the Table.

\* \* \* \* \*

**PRESERVE HMAS OTAMA FOR VICTORIAN TOURISM** — Mr O'Donohue presented a Petition bearing 705 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to facilitate bringing the decommissioned submarine HMAS Otama ashore and establish a permanent display at Crib Point, in the vicinity of the Crib Point Jetty and Western Port Oberon Association Museum situated at 220 The Esplanade.

Ordered to lie on the Table.

## 11 PAPERS —

### **ELECTORAL MATTERS COMMITTEE — INQUIRY INTO THE IMPACT OF SOCIAL MEDIA ON VICTORIAN ELECTIONS AND VICTORIA'S ELECTORAL ADMINISTRATION —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Tarlamis presented a Report from the Electoral Matters Committee on the Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration (including Appendices and Extracts of Proceedings), together with Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Tarlamis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 11 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

### **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2020 —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the Annual Review 2020 on Regulations and Legislative Instruments (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.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Liquor Control Reform Act 1998 — Report, 2020-21 by the Chief Commissioner of Victoria Police, under section 148R of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Greater Bendigo Planning Scheme — Amendment C243.

Hobsons Bay Planning Scheme — Amendment C126.

Macedon Ranges Planning Scheme — Amendment C131.

Maroondah Planning Scheme — Amendment C131.

Monash Planning Scheme — Amendment C156.

A Statutory Rule under the Victorian Civil and Administrative Tribunal Act 1998 — No. 114.



**12 BUSINESS OF THE COUNCIL** — Mr Grimley moved, by leave, That precedence be given to the following General Business on Wednesday, 15 September 2021 —

- (1) Order of the Day No. 6, second reading of the Bail Amendment (Reducing Pre-Trial Imprisonment of Women, Aboriginal, and Vulnerable Persons) Bill 2021;
- (2) Notice of Motion No. 619, standing in the name of Mr Meddick on the use of whips in horse racing;
- (3) Notice of Motion No. 621, standing in the name of Mr Davis on the Government's failure to produce the Victorian Equal Opportunity and Human Rights Commission's review into discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;
- (4) Order of the Day No. 61, resumption of debate on a motion on the West Gate Tunnel Project;
- (5) Notice of Motion No. 622, standing in the name of Mr Grimley on WorkSafe's non-established, new and emerging treatments and services; and
- (6) Notice of Motion No. 554, standing in the name of Mr Grimley on identity theft.

Question — put and agreed to.

**13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Ms Bath moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until the Government has released the amended Code of Practice for Timber Production."

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 7 September 2021 —*

**15 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**VACCINATION RATES FOR EARLY CHILDHOOD EDUCATORS** — Ms Stitt having given answers to a question without notice and supplementary question relating to the vaccination rates for early childhood educators —

On the motion of Dr Bach, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Vaccination status of future hospital patients** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 16 September 2021.
- **Learner driver training** — substantive and supplementary questions asked by Mr Grimley — response from Ms Pulford due Thursday, 16 September 2021.
- **Plan for returned travellers** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Thursday, 16 September 2021.
- **Vaccination rollout in northern suburbs** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Thursday, 16 September 2021.

**16 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**17 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019 —**

Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Ms Bath*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has released the amended Code of Practice for Timber Production.”.

Amendments proposed to be moved in Committee by Ms Pulford and Dr Ratnam were circulated.

Question — That the reasoned amendment moved by Ms Bath be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 2.00 p.m. pursuant to an Order of the Council of 7 September 2021 —*

The Deputy President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole on the next day of meeting.

**18 ADJOURNMENT — Ms Pulford moved, That the House do now adjourn.**

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 2.19 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

**No. 121 — Wednesday, 15 September 2021**

- 1 The President took the Chair at 9.06 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **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 — Notice of Approval of an amendment to Victoria Planning Provisions — Amendment VC211.

A Statutory Rule under the Courts (Case Transfer) Act 1991 — No. 115.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**4 BAIL AMENDMENT (REDUCING PRE-TRIAL IMPRISONMENT OF WOMEN, ABORIGINAL, AND VULNERABLE PERSONS) BILL 2021** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**5 USE OF WHIPS IN HORSE RACING** — Mr Meddick moved, That this House —

(1) acknowledges —

(a) that Members in this House and in the community condemn animal cruelty where it occurs;

(b) that horses in the racing industry deserve our care and respect;

(2) notes —

(a) that surveys commissioned by Racing Victoria found that more than 87 per cent of respondents believe that there should be reform to the use of the whip;

(b) the public commentary from Racing Victoria that it supports reform to reduce the use of the whip;

(c) Racing Victoria's view that the whip remains critical for the safety of the horse and jockey; and

(3) calls on state racing authorities to work with Racing Australia to develop a national approach to address community concern around the use of the whip.

Debate ensued.

Question — put and agreed to.

**6 PRODUCTION OF DOCUMENTS — REVIEW OF DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION IN THE COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE** — Mr Davis moved, That this House —

(1) notes the —

(a) failure of the Government to comply with the resolution of the Council of 5 May 2021 requiring the Leader of the Government to table in the Council the Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) review into the nature, prevalence, drivers and impacts of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;

(b) Attorney-General's letter of 19 May 2021 in response to the order to produce these documents that stated that the Government does not hold a copy of the Review and that the VEOHRC advised that it cannot provide a copy of the Review to the Government due to Orders made by the Court of Appeal on 4 October 2018;

(c) ruling made by the President on 4 May 2021, upholding a point of order highlighting that the Government had claimed executive privilege over certain documents, but had failed to produce them pursuant to the terms of Standing Order 11.03;

(2) further notes that if the resolution of the Council is not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and this may result in a formal motion of censure of the Leader of the Government;

(3) further notes the accepted practice in the New South Wales Legislative Council that if documents are legally in the custody and control of an agency rather than a Minister, the agency is required to comply with an order to produce those documents to the House;

(4) further notes the legal opinion tabled in the New South Wales Legislative Council on 18 November 2015 by Mr Bret Walker SC, reiterating the right of Australian State Houses of Parliament to demand documents from all government agencies, directly if necessary, consistent with their ancient privileges and powers;

(5) requires —

- (a) the Commissioner and the Executive Director of the VEOHRC to provide the documents outlined in paragraph (1)(a) to the Clerk for tabling in the House within 14 calendar days following the adoption of this resolution;
- (b) requires the Leader of the Government to table within 21 calendar days following the adoption of this resolution, all documents outlined in paragraph (1)(a);
- (6) authorises the Clerk to communicate this order to the Commissioner and the Executive Director of the VEOHRC and table any documents received from the VEOHRC under paragraph (5)(a) in accordance with Standing Order 11.02; and
- (7) further notes that Standing Order 11.03 provides a mechanism whereby documents that the government agency or individual is of the view should not be released, can be subject to the ruling of an independent legal arbiter.

Debate ensued.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 14 September 2021 —*

- 7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**WORKSAFE STAFF — VACCINATION RATES** — Ms Stitt having given answers to a question without notice and supplementary question relating to WorkSafe staff vaccination rates —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Firearms dealers – insurance requirements** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 17 September 2021.
- **Rabbit farming – animal welfare** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 17 September 2021.
- **Hospital bed capacity** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 17 September 2021.
- **Victorian border restrictions** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 17 September 2021.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 9 PRODUCTION OF DOCUMENTS — REVIEW OF DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION IN THE COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE** — Debate continued on the question, That this House —

(1) notes the —

- (a) failure of the Government to comply with the resolution of the Council of 5 May 2021 requiring the Leader of the Government to table in the Council the Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) review into the nature, prevalence, drivers and impacts of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;
- (b) Attorney-General's letter of 19 May 2021 in response to the order to produce these documents that stated that the Government does not hold a copy of the Review and that the VEOHRC advised that it cannot provide a copy of the Review to the Government due to Orders made by the Court of Appeal on 4 October 2018;
- (c) ruling made by the President on 4 May 2021, upholding a point of order highlighting that the Government had claimed executive privilege over certain documents, but had failed to produce them pursuant to the terms of Standing Order 11.03;

- (2) further notes that if the resolution of the Council is not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and this may result in a formal motion of censure of the Leader of the Government;
- (3) further notes the accepted practice in the New South Wales Legislative Council that if documents are legally in the custody and control of an agency rather than a Minister, the agency is required to comply with an order to produce those documents to the House;
- (4) further notes the legal opinion tabled in the New South Wales Legislative Council on 18 November 2015 by Mr Bret Walker SC, reiterating the right of Australian State Houses of Parliament to demand documents from all government agencies, directly if necessary, consistent with their ancient privileges and powers;
- (5) requires —
  - (a) the Commissioner and the Executive Director of the VEOHRC to provide the documents outlined in paragraph (1)(a) to the Clerk for tabling in the House within 14 calendar days following the adoption of this resolution;
  - (b) requires the Leader of the Government to table within 21 calendar days following the adoption of this resolution, all documents outlined in paragraph (1)(a);
- (6) authorises the Clerk to communicate this order to the Commissioner and the Executive Director of the VEOHRC and table any documents received from the VEOHRC under paragraph (5)(a) in accordance with Standing Order 11.02; and
- (7) further notes that Standing Order 11.03 provides a mechanism whereby documents that the government agency or individual is of the view should not be released, can be subject to the ruling of an independent legal arbiter.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**10 WEST GATE TUNNEL PROJECT** — Debate resumed on the question, That this House —

- (1) notes the material released in August 2021 by Transurban on the West Gate Tunnel (WGT) Project to investors, including that —
  - (a) tunnelling has not commenced as a result of disputes arising between the project parties;
  - (b) project completion in 2023 is no longer achievable and, due to continued uncertainty in relation to the resolution of commercial matters and timing for commencement of tunnelling, a further update on the expected project completion date cannot be provided at this stage;
  - (c) the contracted total cost of the project was \$6.7 billion, with estimates of additional costs to complete the project differing among project parties and remaining uncertain, however based on preliminary independent analysis, Transurban estimates the D&C subcontractors construction costs could increase by \$3.3 billion, with the D&C subcontractors' claims being higher;
  - (d) in order to reach a commercial settlement, Transurban believes all project parties would be required to make a meaningful financial contribution;
- (2) further notes the WGT Project, a Transurban market led proposal, was signed in December 2017 and was subject to a report by the Victorian Auditor-General;
- (3) further notes the mismanagement of the WGT Project by the Andrews Labor Government, a project that is now late, over budget and the subject of legal dispute;
- (4) insists that the State Government pay no more than the contracted amount and not further extend any toll concession; and

calls for a pause on the collection of WGT related tolls levied on existing CityLink roads.  
On the motion of Ms Taylor, the debate was adjourned until later this day.

**11 WORKSAFE'S NON-ESTABLISHED, NEW AND EMERGING TREATMENTS AND SERVICES** — Mr Grimley moved, That this House —

- (1) notes that —
  - (a) frontline emergency services have a higher rate of mental illness as a result of their work;
  - (b) WorkSafe provides compensation for a range of reasons, including mental health injuries as a result of work;
  - (c) WorkSafe's non-established, new and emerging treatments and services (NeNETS) policy, provides an avenue for contemporary treatments and services including psychiatric assistance dogs and equine therapy, to be assessed on a case-by-case basis;
  - (d) it can take approximately nine months to approve a psychiatric assistance dog claim to treat post-traumatic stress injuries (PTSI), as opposed to a 27-day average for general mental health claims and a 7-day average for physical injury claims;
  - (e) WorkSafe have previously approved psychiatric assistance dogs to treat PTSI, however this policy does not hold precedent and is not legislated, meaning that each claimant must undergo an extensive and exhaustive legal process, causing additional financial and emotional stress;
  - (f) the Department of Veterans' Affairs has a Psychiatric Assistance Dogs program to treat veterans with PTSI and many animal therapy approaches have yielded extremely positive results;
  - (g) the terminology of post-traumatic stress 'injury' is preferred by sufferers, rather than the outdated term 'disorder';
- (2) calls on the Government to —
  - (a) review its NeNETS policy to ensure future claims for canine and equine therapies treating PTSI are considered without delay and not unfairly denied in the future; and
  - (b) ensure WorkSafe's NeNETS policy is recorded publicly to allow transparency for those seeking claims and their legal representatives.

Debate ensued.

Question — put and agreed to.

**12 BUSINESS OF THE COUNCIL — TEMPORARY ORDERS — HYBRID SITTINGS** — Ms Symes moved, by leave, That so much of Standing, Sessional and Temporary Orders be suspended to allow the following arrangements to come into effect at the end of this sitting week and remain in place until 31 December 2021 for the purposes of enabling the House to continue its sittings during the COVID-19 pandemic:

**Hybrid sitting**

Members may participate in debate remotely using an audio-visual link as follows:

- (1) The Chair must be satisfied that the quality of the audio-visual link allows the Chair to verify the identity of that Member and for the Member to participate.
- (2) A Member participating remotely is not counted for the purposes of a quorum.
- (3) A Member participating remotely shall not vote.
- (4) Members participating remotely may do all things a Member in the Chamber may do, except —
  - (a) chair the debate;
  - (b) refuse leave;
  - (c) take, or speak on, a point of order unless it is taken by another member during their contribution;
  - (d) call the Chair's attention to the state of the House;
  - (e) call for a division;
  - (f) vote;
  - (g) move a motion for the closure of debate under Standing Order 12.25 or be counted in support of a closure of debate motion under Standing Order 12.25(2); and
  - (h) be counted for the purposes of satisfying an absolute or special majority requirement.

- (5) In order to assist Members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and Members wishing to participate remotely may seek the call by —
  - (a) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition Member; and
  - (b) informing the Clerk, who will inform the Chair in advance — for any other Member.
- (6) When a Member participates remotely, the Chair may exercise all their usual powers to control the debate.
- (7) The Chair is given any additional powers necessary to facilitate the smooth running of the House and/or to address any technical issues, including but not limited to —
  - (a) stopping the clock;
  - (b) returning to a Member's contribution; and
  - (c) re-ordering business.
- (8) The President may issue formal Guidelines from time to time about remote participation which must not be inconsistent with this temporary order and must be complied with as if they are temporary orders and the President may take any action necessary should Members not abide by the Guidelines.

Debate ensued.

Dr Ratnam moved, as an amendment, That all the words in paragraph (3) be **omitted** and replaced with the following:

- “(3) A Member participating remotely shall not vote and a Member that is not in the Chamber at the time of a division may register their opinion on the question by notifying the Clerk in writing of their opinion (either ‘Aye’ or ‘Noe’) after the commencement of the matter in the House and before the President reports the result of the vote to the House, and any such opinion will be published, separately from the results of the vote, in Hansard and the Minutes of Proceedings.”.

Debate ensued.

Question — That the amendment moved by Dr Ratnam be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That so much of Standing, Sessional and Temporary Orders be suspended to allow the following arrangements to come into effect at the end of this sitting week and remain in place until 31 December 2021 for the purposes of enabling the House to continue its sittings during the COVID-19 pandemic:

#### **Hybrid sitting**

Members may participate in debate remotely using an audio-visual link as follows:

- (1) The Chair must be satisfied that the quality of the audio-visual link allows the Chair to verify the identity of that Member and for the Member to participate.
- (2) A Member participating remotely is not counted for the purposes of a quorum.
- (3) A Member participating remotely shall not vote and a Member that is not in the Chamber at the time of a division may register their opinion on the question by notifying the Clerk in writing of their opinion (either ‘Aye’ or ‘Noe’) after the commencement of the matter in the House and before the President reports the result of the vote to the House, and any such opinion will be published, separately from the results of the vote, in Hansard and the Minutes of Proceedings.
- (4) Members participating remotely may do all things a Member in the Chamber may do, except —
  - (a) chair the debate;
  - (b) refuse leave;
  - (c) take, or speak on, a point of order unless it is taken by another member during their contribution;
  - (d) call the Chair's attention to the state of the House;
  - (e) call for a division;
  - (f) vote;
  - (g) move a motion for the closure of debate under Standing Order 12.25 or be counted in support of a closure of debate motion under Standing Order 12.25(2); and
  - (h) be counted for the purposes of satisfying an absolute or special majority requirement.

- (5) In order to assist Members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and Members wishing to participate remotely may seek the call by —
  - (a) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition Member; and
  - (b) informing the Clerk, who will inform the Chair in advance — for any other Member.
- (6) When a Member participates remotely, the Chair may exercise all their usual powers to control the debate.
- (7) The Chair is given any additional powers necessary to facilitate the smooth running of the House and/or to address any technical issues, including but not limited to —
  - (a) stopping the clock;
  - (b) returning to a Member's contribution; and
  - (c) re-ordering business.
- (8) The President may issue formal Guidelines from time to time about remote participation which must not be inconsistent with this temporary order and must be complied with as if they are temporary orders and the President may take any action necessary should Members not abide by the Guidelines — put and agreed to.

**13 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 14 September 2021.

**14 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 2.22 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 122 — Thursday, 16 September 2021

**1** The President took the Chair at 9.05 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS** —

**REVIEW OF THE TERRORISM (COMMUNITY PROTECTION) ACT 2003 — STAGE TWO REPORT** — Ms Symes moved, by leave, That there be laid before this House a copy of the Review of the *Terrorism (Community Protection) Act 2003* — Stage Two Report.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Public Health and Wellbeing Act 2008 —

Order in Council of 31 August 2021 declaring a notifiable condition, under section 126(3) of the Act.

18<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency, under section 198(8A) of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 103 and 115.

**3 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 5 October 2021, at a time to be set by the President.

Question — put and agreed to.



**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**6 OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021** — 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.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 7 September 2021 —*

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**EMPLOYEE RESPONSIBILITIES AND VACCINATIONS** — Ms Stitt having given answers to a question without notice and supplementary question relating to employee responsibilities and vaccinations —

On the motion of Mr Davis, 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.

**EMERGENCY SERVICES WORKERS — VACCINATIONS** — Ms Symes having given answers to a question without notice and supplementary question relating to vaccination of emergency services workers —

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Emergency services workers – vaccinations** — substantive question asked by Ms Bath — response from Ms Symes due Monday, 20 September 2021.
- **Solar panel farm and battery storage facility** — substantive and supplementary questions asked by Dr Cumming — response from Ms Stitt due Monday, 20 September 2021.
- **Mental health workforce** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Monday, 20 September 2021.
- **Paramedics in regional Victoria** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Monday, 20 September 2021.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021** — 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.

**10 SOCIAL SERVICES REGULATION BILL 2021** — 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.

**11 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 2.14 p.m., adjourned until Tuesday, 5 October 2021, at a time to be set by the President.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 120, 121 and 122

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### FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019

*Committed Tuesday, 14 September 2021*

*Amendments circulated: Mr Davis (p. 881), Ms Pulford (p. 881) and Dr Ratnam (p. 881)*

**Clause 1** — debate commenced.

*Committee interrupted at 2.00 p.m. pursuant to an Order of the Council of 7 September 2021 —*

**Progress reported.**

\* \* \* \* \*

### OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021

*Committed Thursday, 16 September 2021*

*Amendments circulated: Mr Ondarchie (p. 882)*

**Clauses 1 to 29** — put and agreed to.

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

**Clause 30** — Question — That Clause 30 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 10

Dr Bach; Mr Bourman; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 31** — Question — That Clause 31 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 8

Dr Bach; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 32 to 36** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019***Amendments circulated by Mr Davis*

1. Clause 4, line 23, after "not" insert "intentionally or recklessly".
2. Clause 4, page 4, lines 1 to 8, omit all words and expressions on these lines and insert—

**"Note**

In a prosecution for an offence against this section, the prosecution bears the onus of proof, being beyond reasonable doubt—see section 141(1) of the **Evidence Act 2008**."

3. Clause 4, page 5, lines 1 to 9, omit all words and expressions on these lines.
4. Clause 4, page 5, lines 12 to 18, omit all words and expressions on these lines and insert—
  - "(1) If—
    - (a) a VicForests contractor contravenes section 45(1), or engages in any conduct that would, if engaged in by VicForests, contravene section 45(1); and
    - (b) at the time of engaging in the conduct, the VicForests contractor is acting—
      - (i) within the scope of the contractor's actual or apparent authority under any agreement with VicForests for the harvesting and sale of timber resources or the harvesting or sale of timber resources; and
      - (ii) with the consent or agreement (whether express or implied) of VicForests—

VicForests is taken to have contravened section 45(1)."
5. Clause 9, line 13, after "to" insert "any of the following persons if the authorised officer reasonably believes a contravention has occurred".
6. Clause 9, page 12, line 2, omit "transmission." and insert "transmission; or".
7. Clause 9, page 12, after line 2 insert—
  - "(c) by hand."
8. Clause 13, line 7, after "not" insert "intentionally or recklessly".

*Amendments circulated by Ms Pulford*

1. Clause 2, line 28, omit "November 2020" and insert "March 2022".
2. Clause 6, line 6, omit "**2019**" and insert "**2021**".
3. Clause 6, line 8, omit "**2019**" and insert "**2021**".
4. Clause 6, line 11, omit "**2019**" and insert "**2021**".
5. Clause 6, line 13, omit "2019" and insert "2021".
6. Clause 6, line 21, omit "2019" and insert "2021".
7. Clause 11, line 9, omit "**2019**" and insert "**2021**".
8. Clause 26, line 3, omit "November 2021" and insert "March 2023".

*Amendments circulated by Dr Ratnam*

1. Clause 8, line 28, after "commenced" insert "by a person referred to in section 96(1) of the **Conservation, Forests and Lands Act 1987**".
2. Clause 8, page 8, line 19, after "commenced" insert "by a person referred to in section 96(1) of the **Conservation, Forests and Lands Act 1987**".

**2. OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT  
BILL 2021****Amendments circulated by Mr Ondarchie**

1. Clause 30, omit this clause.
2. Clause 31, omit this clause.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 123, 124 and 125

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#### No. 123 — Tuesday, 5 October 2021

- 1 The President took the Chair at 2.36 p.m., 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 21 September 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Judicial Proceedings Reports Amendment Act 2021*
  - Occupational Health and Safety and Other Legislation Amendment Act 2021*
  - Social Services Regulation Act 2021.*
- 3 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008, to consequentially amend the Status of Children Act 1974 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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), by leave, the debate was adjourned until later this day.
- 4 **BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and the Domestic Building Contracts Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Stitt), 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 Davis), by leave, the debate was adjourned until later this day.

- 5 GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Great Ocean Road and Environs Protection Act 2020 in relation to land management of the Great Ocean Road coast and parks, to further provide for functions and powers of the Great Ocean Road Coast and Parks Authority, to provide for the transfer of public land management to that Authority, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Symes (for Mr Leane), 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 Davis), by leave, the debate was adjourned until later this day.
- 6 SUBURBAN RAIL LOOP BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Suburban Rail Loop Authority and confer on the Authority appropriate functions and powers for the Authority to plan and deliver the Suburban Rail Loop and development associated with the Suburban Rail Loop and to enable the Authority to operate, or manage the operation of, the Suburban Rail Loop, or to manage development associated with the Suburban Rail Loop and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Symes (for Ms Pulford), 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 Davis), by leave, the debate was adjourned until later this day.
- 7 TEMPORARY ORDERS** — Ms Symes moved, by leave, That the following changes to temporary orders come into effect immediately and remain in place until 16 October 2021, unless the House resolves otherwise —
- 1. Days and hours of meeting**  
The temporary order agreed to on 7 September 2021 be rescinded and replaced with the following —  
Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —
    - (a) Tuesday at 2.30 p.m.;
    - (b) Wednesday at 2.30 p.m.; and
    - (c) Thursday at 2.45 p.m.
  - 2. Order of Business**  
The temporary order agreed to on 7 September 2021 and amended on 14 September 2021 be rescinded and replaced with the following —  
Upon any interruption of business under this temporary order, Standing Order 4.08 relating to the extension of sitting will apply and unless otherwise ordered by the Council, the order of business will be —
    - On Tuesday —
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)



Government Business

**At 3.00 p.m.** Questions

Constituency Questions (up to 15 Members)

Government Business

**At 6.00 p.m.** Dinner break

**At 6.30 p.m.** Government Business

**At 10.00 p.m.** Adjournment (up to 20 Members)

On Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 3.00 p.m.** Questions

Constituency Questions (up to 15 Members)

General Business

**At 6.00 p.m.** Dinner break

**At 6.30 p.m.** General Business

**At 9.00 p.m.** Statements on reports, papers and petitions (30 minutes)

**At 9.30 p.m.** Adjournment (up to 20 Members)

On Thursday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

**At 3.00 p.m.** Questions

Constituency Questions (up to 15 Members)

Government Business

**At 10.00 p.m.** Adjournment (up to 20 Members).

### **3. Time limits — General Business**

The temporary order agreed to on 7 September 2021 and amended on 14 September 2021 relating to General Business time limits be rescinded.

### **4. Incorporation of notices of motion**

The deadline in the temporary order agreed to on 7 September 2021 allowing the Clerk to accept notices of motion for incorporation on the Notice Paper be amended from 10.00 a.m. to 3.00 p.m.

### **5. Business to be incorporated only in Hansard**

The temporary order agreed to on 14 September 2021 allowing incorporation of a Member's contribution to Statements on reports, papers and petitions be rescinded.

Question — put and agreed to.

## **8 PETITIONS —**

### **REJECT FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT)**

**BILL 2019** — Ms Bath presented a Petition bearing 509 signatures from certain citizens of Victoria requesting that the Legislative Council reject the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019.

Ordered to lie on the Table.

\* \* \* \* \*

**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**PRESERVE HMAS OTAMA FOR VICTORIAN TOURISM** — Mr O'Donohue presented a Petition bearing 275 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to facilitate bringing the decommissioned submarine HMAS Otama ashore and establish a permanent display at Crib Point, in the vicinity of the Crib Point Jetty and Western Port Oberon Association Museum situated at 220 The Esplanade.

Ordered to lie on the Table.

- 9 MENTAL HEALTH AMENDMENT (COUNSELLORS) BILL 2021** — Ms Crozier introduced *A Bill for an Act to amend the Mental Health Act 2014 to provide that counsellors are included in the definition of mental health practitioners for the purposes of the Act and for other purposes.*

On the motion of Ms Crozier, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 10 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — Mr Hayes introduced *A Bill for an Act to ensure the environment is prioritised in planning decisions.*

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.

**11 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 12 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2021-22 BUDGET ESTIMATES** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report on the 2021-22 Budget Estimates from the Public Accounts and Estimates Committee, and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Taylor moved, That the Council take note of the Report.

Question — put and agreed to.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council earlier this day —*

- 12 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Policing of medically supervised injecting centre** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 7 October 2021.
- **Drug and alcohol treatment capacity** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 7 October 2021.
- **Timber supply – support for builders** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Thursday, 7 October 2021.

- 13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 PAPERS —**

**AUDITOR-GENERAL — MAJOR PROJECTS PERFORMANCE** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 22 September 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Major Projects Performance, September 2021.

**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 Office — Report, 2020-21.

Crown Land (Reserves) Act 1978 —

Minister's Order of 10 August 2021 giving approval to the granting of a lease at Tasma Terrace Reserve.

Minister's Order of 12 August 2021 giving approval to the granting of a licence at Sandringham Beach Park.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C340 and C358.

Cardinia Planning Scheme — Amendment C228.

Darebin Planning Scheme — Amendments C197, C201 and C205.

Glen Eira Planning Scheme — Amendment C230.

Golden Plains Planning Scheme — Amendment C94.

Greater Bendigo Planning Scheme — Amendments C272 and C273.

Hume Planning Scheme — Amendment C256.

Maroondah Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendments C308, C398, C411 and C416.

Melton Planning Scheme — Amendment C170.

Moira Planning Scheme — Amendment C88.

Moreland Planning Scheme — Amendment C207.

Stonnington Planning Scheme — Amendment C311.

Victoria Planning Provisions — Amendment VC208.

Wangaratta Planning Scheme — Amendment C81.

Whittlesea Planning Scheme — Amendment C204.

Wodonga Planning Scheme — Amendment C131.

Yarra Planning Scheme — Amendment C294.

Yarra Ranges Planning Scheme — Amendment C178.

Project Development and Construction Management Act 1994 — Nomination and Application Orders of 28 September 2021 — Redevelopment of 1-12 Bills Street, Hawthorn, under section 9 of the Act.

Road Safety Camera Commissioner Act 2011 — Road Safety Camera Commissioner — Report, 2020-21.

Statutory Rules under the following Acts of Parliament —

Bus Safety Act 2009 — No. 119.

Commercial Passenger Vehicle Industry Act 2017 — No. 125.

Conveyancers Act 2006 — No. 118.

Environment Protection Act 2017 — No. 123.

Road Safety Act 1986 — Nos. 116 and 121.

Sheriff Act 2009 — No. 117.

Status of Children Act 1974 — No. 122.

Subdivision Act 1988 — No. 124.

Tourist and Heritage Railways Act 2010 — No. 120.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 116 to 122, 124 and 125.

Legislative instrument and related documents under section 16B in respect of Notice of Home Buyer Scheme Declaration (Victorian Homebuyer Fund) of 3 September 2021, under the First Home Owner Grant and Home Buyer Schemes Act 2000.

**15 PRODUCTION OF DOCUMENTS — MEMORANDUM OF UNDERSTANDING WITH CHINA'S NATIONAL DEVELOPMENT AND REFORM COMMISSION** — The Clerk laid on the Table a letter from the Attorney-General, dated 17 September 2021, in response to the Resolution of the Council of 26 May 2021 (on the motion of Mr Davis), and further to the Government's initial response of 8 June 2021, relating to the Memorandum of Understanding with China's National Development and Reform Commission.

The Clerk further laid on the Table the one document within the scope of the order in full, together with a schedule of the identified document.

**16 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH** — The Clerk laid on the Table a letter from the Acting Attorney-General, dated 21 September 2021, in response to the Resolution of the Council of 8 September 2021 (on the motion of Ms Crozier), relating to the Victorian Agency for Health Information's data on mental health, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**17 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 October 2021 —

- (1) Order of the Day made this day, second reading of the Mental Health Amendment (Counsellors) Bill 2021;
- (2) the notice of motion given this day by Mr Limbrick on the production of documents relating to mandatory vaccination health orders;
- (3) Order of the Day No. 6, consideration of the Emergency Powers Safeguards Legislation Amendment Bill 2021 in Committee of the whole;
- (4) the notice of motion given this day by Mr Davis on the impacts of COVID-19 on small business; and
- (5) Order of the Day No. 54, resumption of debate on a motion on the West Gate Tunnel Project.

Question — put and agreed to.

**18 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**19 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019** — Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council earlier this day —*

On the motion of Ms Symes, the meal break scheduled for 6.00 p.m. was postponed until 6.15 p.m.

Bill further considered in Committee of the whole.

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, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

*[Sitting suspended from 6.15 p.m. to 6.50 p.m.]*

**20 SUBURBAN RAIL LOOP BILL 2021** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.

**21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 10.07 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 124 — Wednesday, 6 October 2021

**1** The President took the Chair at 2.36 p.m., read the Prayer and made an Acknowledgement of Country.

**2 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) 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.

**3 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notice of Approval of an amendment to the Melbourne Planning Scheme — Amendment C418.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 MENTAL HEALTH AMENDMENT (COUNSELLORS) BILL 2021** — Ms Crozier laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Crozier moved, That the Bill be now read a second time.

Ms Watt moved, by leave, that debate on this Bill be taken forthwith.

Question — put and agreed to.

Debate ensued.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

**6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Rental evictions during pandemic** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Leane due Friday, 8 October 2021.
- **Opening of events sector** — supplementary question asked by Mr Davis — response from Ms Pulford due Thursday, 7 October 2021.
- **Training for solar industry** — supplementary question asked by Mr Ondarchie — response from Ms Tierney due Friday, 8 October 2021.
- **Foreign purchaser duties** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 8 October 2021.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 MENTAL HEALTH AMENDMENT (COUNSELLORS) BILL 2021** — 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**9 PRODUCTION OF DOCUMENTS — COVID-19 MANDATORY VACCINATION DIRECTIONS**

— Mr Limbrick moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all documents relating to the COVID-19 Mandatory Vaccination Directions (No 1), (No 2), (No 3), (No 4) and (No 5), including but not limited to —

- (1) Human Rights Charter Assessments;
- (2) health advice; and
- (3) any other data or correspondence that the public health team considered in drafting these directions.

Debate ensued.

*Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

*[Sitting suspended from 6.00 p.m. to 6.34 p.m.]*

Debate continued.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until later this day.

**11 IMPACTS OF COVID-19 ON SMALL BUSINESS** — Mr Ondarchie (for Mr Davis) moved, That this House —

- (1) notes that —
  - (a) on 4 October 2021, Melbourne achieved the dubious world record of being the longest locked down city in the world;
  - (b) lockdowns have had a devastating impact on many Victorian businesses, particularly small businesses;
  - (c) the New South Wales road map is more ambitious than the Victorian road map;
- (2) further notes the widespread call in the Victorian business community for the State Government to —
  - (a) lift the vaccination rate at the fastest possible rate to achieve the 70 and 80 per cent benchmarks endorsed by National Cabinet;
  - (b) reopen Victorian businesses and the Victorian economy as the national benchmarks are reached; and
- (3) endorses calls by the Victorian business community for the State Government to stick to its announced timetable for reopening.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 9.00 p.m. pursuant to an Order of the Council of 5 October 2021.*

**12 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**13 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 9.56 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 125 — Thursday, 7 October 2021

1 The President took the Chair at 2.50 p.m., read the Prayer and made an Acknowledgement of Country.

**2 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Mr Richard Riordan, Member for Polwarth, resigning from the Public Accounts and Estimates Committee, effective from Wednesday, 6 October 2021.

Mr Davis moved, by leave, That Mrs McArthur be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

**3 ESSENTIAL SERVICES COMMISSION (COMPLIANCE AND ENFORCEMENT POWERS) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Essential Services Commission Act 2001, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Victorian Energy Efficiency Target Act 2007, the Victorian Renewable Energy Act 2006, the Water Industry Act 1994, the Energy Legislation Amendment Act 2021 and the Energy Legislation Amendment (Energy Fairness) Act 2021 and to make consequential and minor amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 Ms Crozier, the debate was adjourned until the next day of meeting.

**4 FIREARMS AND OTHER ACTS AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990, the Criminal Procedure Act 2009, the Evidence (Miscellaneous Provisions) Act 1958, the Firearms Act 1996, the Sex Offenders Registration Act 2004 and the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Ms Crozier, the debate was adjourned until the next day of meeting.

**5 FORESTS AMENDMENT (FOREST FIREFIGHTERS PRESUMPTIVE RIGHTS COMPENSATION) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Forests Act 1958 to provide a rebuttable presumption for forest firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their employment for the purposes of claiming compensation under the Workplace Injury Rehabilitation and Compensation Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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 Ms Crozier, the debate was adjourned until the next day of meeting.

**6 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 and the Catchment and Land Protection Act 1994, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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 Ms Crozier, the debate was adjourned until the next day of meeting.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021* —

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Mandatory vaccinations for authorised workers** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Monday, 11 October 2021.
- **Security licensing – LRV** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 11 October 2021.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 PETITION — REGIONAL AMBULANCE ON-CALL SERVICES** — Ms Maxwell presented a Petition bearing 999 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restore on-call ambulance services in addition to current resourcing in Seymour.

Ordered to lie on the Table.

**10 PAPERS** —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Pursuant to Standing Order 23.30, Ms Stitt (for Ms Pulford) laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Report on the Inquiry into the increase in Victoria's road toll.



**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gambling Regulation Act 2003 — Amendment to the Public Lottery Licence issued to Tattersall's Sweeps Pty Ltd on 1 June 2017 to make changes to the Authorised Public Lottery instant scratch-it games, of 20 September 2021, under section 5.3.19(4) of the Act.  
Office of the Victorian Information Commissioner (OVIC) — Report, 2020-21.

**11 SITTING OF THE COUNCIL** — Ms Stitt moved, That the Council, at its rising, adjourn until Tuesday, 12 October 2021 at 2.30 p.m.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 SUBURBAN RAIL LOOP BILL 2021** — *The President having ruled that amendments proposed to be moved in Committee by Mr Davis (set DD80C) were outside the scope of the Bill* —

Mr Davis moved, That it be an instruction to the Committee that they have the power to consider an amendment and New Clauses to amend the *Parliamentary Committees Act 2003* in relation to the establishment of a Public Works Committee.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) BILL 2021** — 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.

Ms Stitt 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, 32

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten and Ms Symes were circulated.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.  
House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

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Ms Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

Bill reported with an 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 with an amendment and requesting their agreement.

**16 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 11.07 p.m., adjourned until Tuesday, 12 October 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 123, 124 and 125

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### FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019

*Progress having been reported on Tuesday, 14 September 2021, Bill further considered in Committee of the whole on Tuesday, 5 October 2021*

*Amendments circulated: Mr Davis (p. 881), Ms Pulford (p. 881) and Dr Ratnam (p. 881)*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved Amendment No. 1.

Question — That the amendment be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — put and agreed to.

**Clause 4** — Ms Bath (for Mr Davis) moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 4 — put and agreed to.

**Clause 5** — Question — That clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 6** — Ms Pulford moved Amendment Nos. 2 to 6 — put and agreed to.

Clause 6, as amended — put and agreed to.

**Clause 7** — Question — That clause 7 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 8** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 8 — put and agreed to.

**Clause 9** — Ms Bath (for Mr Davis) moved Amendment Nos. 5 to 7.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 9 — put and agreed to.

**Clause 10** — put and agreed to.

**Clause 11** — Ms Pulford moved Amendment No. 7 — put and agreed to.  
Clause 11, as amended — put and agreed to.

**Clause 12** — put and agreed to.

**Clause 13** — Ms Bath (for Mr Davis) moved Amendment No. 8.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming;  
Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur;  
Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick;  
Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes;  
Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 22** — put and agreed to.

**Clause 23** — Question — That clause 23 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane;  
Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt;  
Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn;  
Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty;  
Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 24 and 25** — put and agreed to.

**Clause 26** — Ms Pulford moved Amendment No. 8 — put and agreed to.

Clause 26, as amended — put and agreed to.

**Bill reported with amendments.**

**SUBURBAN RAIL LOOP BILL 2021**

*Committed Thursday, 7 October 2021*

*Amendments circulated: Mr Davis (DD77C) (pp. 905-8), (DD78C) (pp. 909-10), (DD79C) (p. 910), (DD80C) (pp. 910-11)*

Amendments proposed to be moved in Committee by Mr Davis (four sets) were circulated.

**Clauses 1 to 52** — put and agreed to.

**Clause 53** — Mr Davis moved Amendment No. 1 (DD77C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 53 — put and agreed to.

**Clauses 54 to 64** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 2 (DD77C).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 65** — Mr Davis moved Amendment No. 4 (DD77C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Davis moved Amendment No. 5 (DD77C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 65 — put and agreed to.

**Clauses 66 to 71** — put and agreed to.

**Clause 72** — Mr Davis moved Amendment No. 6 (DD77C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 72 — put and agreed to.

**Clauses 73 to 77** — put and agreed to.

**Clause 78** — Mr Davis moved Amendment Nos. 7 to 9 (DD77C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 78 — put and agreed to.

**Clauses 79 to 85** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 10 (*DD77C*).

Question — That the New Clause stand part of the Bill — put and negatived.

**Clauses 86 to 122** — put and agreed to.

**Clause 123** — Mr Davis moved Amendment No. 11 (*DD77C*).

Question — That clause 123 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 124** — Mr Davis moved Amendment No. 12 (*DD77C*).

Question — That clause 124 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 125** — Mr Davis moved Amendment No. 13 (*DD77C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*



NOES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 126** — Mr Davis moved Amendment No. 14 (*DD77C*).

Question — That clause 126 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 127 to 142** — put and agreed to.

**Clause 143** — Mr Davis moved Amendment Nos. 15 and 16 (*DD77C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 143 — put and agreed to.

**Clauses 144 to 150** — put and agreed to.

**Clause 151** — Mr Davis moved Amendment No. 19 (*DD77C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 151 — put and agreed to.

**Clauses 152 to 185** — put and agreed to.

**Clause 186** — Mr Davis moved Amendment Nos. 20 and 21 (*DD77C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 186 — put and agreed to.

**Clause 187** — Mr Davis moved Amendment Nos. 22 and 23 (*DD77C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 187 — put and agreed to.

**Clauses 188 to 218** — put and agreed to.

**New Part Heading and New Clauses** — Mr Davis moved Amendment Nos. 1 and 2 (*DD80C*).

Question — That the New Part Heading and New Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**New Part Heading and New Clauses** — Mr Davis moved Amendment Nos. 1 and 2 (DD78C).

Question — That the New Part Heading and New Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**New Part Heading and New Clause** — Mr Davis moved Amendment Nos. 1 and 2 (DD79C).

Question — That the New Part Heading and New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 219 and 220** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) BILL 2021**

*Committed Thursday, 7 October 2021*

**Clauses 1 to 54** — put and agreed to.

**Bill reported without amendment.**

**ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021**

*Committed Thursday, 7 October 2021*

*Amendments circulated: Ms Patten (pp. 911-12), Ms Symes (p. 912)*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Ms Symes moved Amendment No. 1 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Clause 8** — Ms Patten moved Amendment No. 2.

Question — That clause 8 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 6

Mr Barton; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 9 to 26** — put and agreed to.

**Clause 27** — Ms Patten moved Amendment Nos. 4 and 5 — put and negatived.

Clause 27 — put and agreed to.

**Clauses 28 and 29** — put and agreed to.

**New Clause** — Ms Patten moved Amendment No. 6.

Question — That the New Clause stand part of the Bill — put and negatived.

**Clauses 30 to 58** — put and agreed to.

**Bill reported with an amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. SUBURBAN RAIL LOOP BILL 2021**Amendments circulated by Mr Davis (DD77C)

1. Clause 53, page 44, lines 4 to 6, omit all words and expressions on these lines.

## NEW CLAUSE

2. Insert the following New Clause to follow clause 64—

**"64A Authority must consult certain Councils**

- (1) The Authority must consult every Council specified under subsection (2) and all the Councillors of those Councils in relation to—
  - (a) the effect on the use or development of land within the municipal district of the Council of—
    - (i) any Suburban Rail Loop planning area declaration; or
    - (ii) any future Suburban Rail Loop planning area declaration that is reasonably expected to be made, having regard to the Suburban Rail Loop program; and
  - (b) the planning and integration of Suburban Rail Loop projects with activity centres, precincts, non-transport infrastructure, transport infrastructure and other land use planning in the municipal district of the Council.
- (2) For the purposes of subsection (1), the following Councils are specified—
  - (a) Banyule City Council;
  - (b) Brimbank City Council;
  - (c) Darebin City Council;
  - (d) Hume City Council;
  - (e) Kingston City Council;
  - (f) Manningham City Council;
  - (g) Monash City Council;
  - (h) Moreland City Council;
  - (i) Whitehorse City Council;
  - (j) Wyndham City Council.
- (3) After consulting an affected Council and the Councillors of that Council under subsection (1), the Authority must prepare a report (an **integration and master planning report**) in conjunction with the Council that includes—
  - (a) details of any agreement between the Authority and the Council in relation to the planning and integration of the Suburban Rail Loop in the municipal district of the Council; and
  - (b) any statements the Council requests to include in the report in relation to the Suburban Rail Loop.
- (4) An integration and master planning report must be published by the Authority—
  - (a) within 3 years after the day on which this Act receives the Royal Assent; and
  - (b) on its Internet site."

## 3. Clause 65, after line 12 insert—

- "(2A) Before making a declaration under subsection (1), the Minister must consult every Council in whose municipal district the area of land that is to be the subject of the declaration is situated and all the Councillors of those Councils.
- (2B) A person specified under subsection (2C) must not require a Council or a Councillor of the Council that the Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation.
- (2C) For the purposes of subsection (2B), the following persons are specified—
- (a) the Minister;
  - (b) the Secretary;
  - (c) the Authority;
  - (d) the chief executive officer;
  - (e) the chairperson;
  - (f) the deputy chairperson;
  - (g) a director or group of directors of the Authority;
  - (h) a member of staff;
  - (i) an employee in the Department;
  - (j) a delegate of the Secretary;
  - (k) a delegate of the Authority."

## 4. Clause 65, after line 17 insert—

- "(3A) If the Minister declares an area of land to be a Suburban Rail Loop planning area that is outside a radius of 600 metres from a proposed or likely station entrance of a railway station that is to be constructed under a Suburban Rail Loop project, the Minister must publish a statement of reasons for the proposed boundaries of the Suburban Rail Loop planning area—
- (a) in the Government Gazette; and
  - (b) on the Department's Internet site."

## 5. Clause 65, after line 25 insert—

- "(5) A Suburban Rail Loop planning area declaration may be disallowed by either House of Parliament."

## 6. Clause 72, page 57, after line 3 insert—

- "(4) If the Premier declares a development or proposed development to be a Suburban Rail Loop project on an area of land with land outside a radius of 600 metres from a proposed or likely station entrance of a railway station that is to be constructed under the Suburban Rail Loop project, the Premier must publish a statement of reasons as to why the development or proposed development is required to be on that area of land—
- (a) in the Government Gazette; and
  - (b) on the Department's Internet site.
- (5) A Suburban Rail Loop project declaration may be disallowed by either House of Parliament."

## 7. Clause 78, line 4, omit "Parts 5, 6, 7 and 9 of".

8. Clause 78, line 6, omit "apply" and insert "(other than Part 2 of that Act) applies".
9. Clause 78, after line 30 insert—
  - "(fa) a reference to a project proponent under that Act is to be read as a reference to the Authority; and
  - (fb) a reference to a project proposal under that Act is to be read as a reference to the Suburban Rail Loop project described in the Suburban Rail Loop project declaration; and".

## NEW CLAUSE

10. Insert the following New Clause to follow clause 85—

**"85A Ministerial code of practice relating to ex-gratia payments for, and purchases of, land affected by Suburban Rail Loop program**

  - (1) The Minister must prepare a code of practice that sets out the method by which, and the principles under which—
    - (a) any ex-gratia payments are made by the State to persons with interests in land the use of which is significantly affected by—
      - (i) a Suburban Rail Loop declaration; or
      - (ii) an amendment to a planning scheme approved under the **Planning and Environment Act 1987** relating to the Suburban Rail Loop program; or
    - (b) the State or the Authority acquires (other than under the **Land Acquisition and Compensation Act 1986**) an interest in land the use of which is significantly affected by—
      - (i) a Suburban Rail Loop declaration; or
      - (ii) an amendment to a planning scheme approved under the **Planning and Environment Act 1987** relating to the Suburban Rail Loop program.
  - (2) A code of practice prepared under subsection (1) must be published—
    - (a) in the Government Gazette; and
    - (b) on the Department's Internet site.
  - (3) A code of practice prepared under subsection (1) may be disallowed by either House of Parliament."
11. Clause 123, omit this clause.
12. Clause 124, omit this clause.
13. Clause 125, lines 10 to 17, omit all words and expressions on these lines and insert—
  - "(1A) If the amendment or a part of an amendment applies to land to which a Suburban Rail Loop planning area declaration applies, the Minister must consult every municipal council in whose municipal district land subject to the amendment or a part of the amendment is situated, and all the councillors of those councils, before approving or refusing to approve the amendment or part of the amendment.
  - (1AB) A person specified under subsection (1AC) must not require a municipal council or a councillor of the municipal council that the Minister consults under subsection (1A) to enter a confidentiality agreement in relation to the consultation.
  - (1AC) For the purposes of subsection (1AB), the following persons are specified—
    - (a) the Minister;

- (b) the Secretary to the Department of Transport;
- (c) the Suburban Rail Loop Authority;
- (d) the chief executive officer (within the meaning of the **Suburban Rail Loop Act 2021**);
- (e) the chairperson (within the meaning of the **Suburban Rail Loop Act 2021**);
- (f) the deputy chairperson (within the meaning of the **Suburban Rail Loop Act 2021**);
- (g) a director or group of directors of the Suburban Rail Loop Authority;
- (h) a member of staff (within the meaning of the **Suburban Rail Loop Act 2021**);
- (i) an employee in the Department of Transport;
- (j) a delegate of the Secretary to the Department of Transport;
- (k) a delegate of the Suburban Rail Loop Authority.

14. Clause 126, omit this clause.
15. Clause 143, page 107, line 17, omit "circumstances" and insert 'circumstances.'.
16. Clause 143, page 107, lines 18 to 33, omit all words and expressions on these lines.
17. Clause 145, lines 12 to 19, omit all words and expressions on these lines.
18. Clause 145, line 20, omit "(3)" and insert '(2)'.
19. Clause 151, lines 20 to 25, omit all words and expressions on these lines.
20. Clause 186, after line 24 insert—
  - "(2A) Before the Project Minister makes a recommendation referred to in subsection (2), the Project Minister must consult every Council in whose municipal district the underground land is situated and all the Councillors of those Councils.
  - (2B) The Project Minister must not require a Council or a Councillor of the Council that the Project Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation."
21. Clause 186, page 130, after line 19 insert—
  - "(2A) Before the Project Minister makes a recommendation referred to in subsection (2), the Project Minister must consult every Council in whose municipal district the stratum of land is situated and all the Councillors of that Council.
  - (2B) The Project Minister must not require a Council or Councillor that the Project Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation."
22. Clause 187, lines 17 and 18, omit "for loss of market value in accordance with this section" and insert "in accordance with the **Land Acquisition and Compensation Act 1986**".
23. Clause 187, lines 19 to 34, and page 132, lines 1 to 20, omit all words and expressions on these lines.



Amendments circulated by Mr Davis (DD78C)

1. Page 191, after line 32 insert the following new Part heading—

**"Part 8A—Amendment of Parliamentary Committees Act 2003".**

NEW CLAUSES

2. Insert the following New Clauses to follow clause 218 and the heading proposed by amendment number 1—

**'218A Establishment of Joint House Committees**

In section 5 of the **Parliamentary Committees Act 2003**—

- (a) in paragraph (k), for "Committee." **substitute** "Committee;"
- (b) after paragraph (k) **insert**—
  - "(l) the Suburban Rail Loop Oversight Committee."

**218B New section 17A inserted**

After section 17 of the **Parliamentary Committees Act 2003 insert**—

**"17A Suburban Rail Loop Oversight Committee**

- (1) The functions of the Suburban Rail Loop Oversight Committee are—
  - (a) the oversight and good governance of the Suburban Rail Loop Authority and Suburban Rail Loop projects with the objective of ensuring that—
    - (i) local communities affected by a Suburban Rail Loop project are consulted about the impact of the project on them; and
    - (ii) owners of land affected by a Suburban Rail Loop project are adequately compensated for the impact of the project on their land; and
    - (iii) taxpayers are achieving value for money expended on Suburban Rail Loop projects; and
    - (iv) construction and rail technology choices are made in the interests of the Victorian community; and
  - (b) to report to both Houses of Parliament—
    - (i) at least once a year on the performance of its functions under paragraph (a); and
    - (ii) at any time on any matter connected with the Suburban Rail Loop Authority or a Suburban Rail Loop project.

- (2) In this section—

**Suburban Rail Loop Authority** means the Authority established by section 8 of the **Suburban Rail Loop Authority Act 2021**;

**Suburban Rail Loop project** has the meaning given in section 3 of the **Suburban Rail Loop Authority Act 2021**."

**218C Membership of Joint Investigatory Committees**

After section 21(1) of the **Parliamentary Committees Act 2003 insert**—

- "(1A) Despite subsection (1), the Suburban Rail Loop Oversight Committee must consist of 7 members, of whom—
  - (a) 4 must be members of the Assembly; and

(b) 3 must be members of the Council."

**218D Repeal of this Part**

This Part is **repealed** on 1 September 2023.

**Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

*Amendments circulated by Mr Davis (DD79C)*

1. Page 191, after line 32 insert the following new Part heading—

**"Part 8A—Parliamentary oversight".**

NEW CLAUSE

2. Insert the following New Clause to follow clause 218 and the heading proposed by amendment number 1—

**'218A Parliamentary committee oversight**

Each House of Parliament must establish or designate an appropriate committee of that House to perform the following functions—

- (a) the oversight and good governance of the Suburban Rail Loop Authority and Suburban Rail Loop projects with the objective of ensuring that—
  - (i) local communities affected by a Suburban Rail Loop project are consulted about the impact of the project on them; and
  - (ii) owners of land affected by a Suburban Rail Loop project are adequately compensated for the impact of the project on their land; and
  - (iii) taxpayers are achieving value for money expended on Suburban Rail Loop projects; and
  - (iv) construction and rail technology choices are made in the interests of the Victorian community; and
- (b) to report to that House—
  - (i) at least once a year on the performance of its functions under paragraph (a); and
  - (ii) at any time on any matter connected with the Suburban Rail Loop Authority or a Suburban Rail Loop project."

*Amendments circulated by Mr Davis (DD80C)*

1. Page 191, after line 32 insert the following new Part heading—

**"Part 8A—Amendment of Parliamentary Committees Act 2003".**

NEW CLAUSES

2. Insert the following New Clauses to follow clause 218 and the heading proposed by amendment number 1—

**'218A Establishment of Joint House Committees**

After section 5(h) of the **Parliamentary Committees Act 2003** insert—

- "(i) the Public Works Committee;"

**218B New section 15 inserted**

After section 14 of the **Parliamentary Committees Act 2003** insert—

**"15 Public Works Committee**

- (1) The functions of the Public Works Committee are to oversight, monitor and evaluate—
- (a) Suburban Rail Loop projects, including the business and investment cases, the Suburban Rail Loop Authority, construction of the projects and associated matters; and
  - (b) any other public works project valued at over \$20 000 000 undertaken by the State, a public entity or a public private partnership—
    - (i) as determined by the Committee; or
    - (ii) referred to the Committee by the Governor in Council, the Council or the Assembly; and
  - (c) engagement with local communities and municipal councils in relation to projects referred to in paragraph (a) or (b); and
  - (d) interaction with land use planning in municipal districts affected by projects referred to in paragraph (a) or (b).

(2) In this section—

**public entity** has the same meaning as in the **Public Administration Act 2004**;

**Suburban Rail Loop Authority** means the Authority established by section 8 of the **Suburban Rail Loop Authority Act 2021**;

**Suburban Rail Loop project** has the meaning given in section 3 of the **Suburban Rail Loop Authority Act 2021**."

**218C Membership of Joint Investigatory Committees**

After section 21(1) of the **Parliamentary Committees Act 2003** insert—

"(1A) Despite subsection (1), the Public Works Committee must consist of 7 members, of whom—

- (a) 4 must be members of the Assembly; and
- (b) 3 must be members of the Council."

**218D Repeal of this Part**

This Part is **repealed** on 1 September 2023.

**Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).'

**2. ASSISTED REPRODUCTIVE TREATMENT BILL 2021***Amendments circulated by Ms Patten*

1. Clause 5, page 5, line 3, omit "intersex status" and insert "sex characteristics".
2. Clause 8, omit this clause.

## NEW CLAUSE

3. Insert the following New Clause before clause 9—

**"8 Section 13 repealed**

Section 13 of the Principal Act is **repealed**."

4. Clause 27, after line 3 insert—

'(1) For section 40(1)(a)(i) of the Principal Act **substitute**—

"(i) there is a medical or social need for the surrogacy arrangement; or".'

5. Clause 27, line 4, before "In" insert "(2)".

**NEW CLAUSE**

6. Insert the following New Clause to follow clause 29—

**'29A Prohibition on certain publications**

After section 45(1) of the Principal Act **insert**—

"(1A) Subsection (1) does not apply to publication of a statement, advertisement, notice or document that is for altruistic surrogacy.".'

**Amendments circulated by Ms Symes**

Clause 5, page 5, line 3, omit "intersex status" and insert "sex characteristics".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 126, 127 and 128

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#### No. 126 — Tuesday, 12 October 2021

- 1 The President took the Chair at 2.35 p.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:  
*Forests Legislation Amendment (Compliance and Enforcement) Act 2021.*
- 3 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **PETITIONS** —  
**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.  
Ordered to lie on the Table.  

\* \* \* \* \*

**NO COVID-19 VACCINE PASSPORT TRIAL FOR GREATER BENDIGO LGA** — Mr Quilty presented a Petition bearing 52 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to withdraw the Greater Bendigo Local Government Area from the COVID-19 vaccine passport trial before its commencement.  
Ordered to lie on the Table.
- 5 **LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) BILL 2021** — Mr Davis introduced *A Bill for an Act to ensure Council fees, rates and charges of any kind payable by businesses are not increased or imposed in respect of specified years.*  
On the motion of Mr Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 13 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to be published.

**19<sup>TH</sup> REPORT TO PARLIAMENT ON THE EXTENSION OF THE DECLARATION OF THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 8 October 2021, the Clerk laid on the Table a copy of the 19<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Ombudsman — Investigation into allegations of collusion with property developers at Kingston City Council, October 2021 (*Ordered to be published*).

A Statutory Rule under the Tobacco Act 1987 — No. 126.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 126.

Legislative instruments and related documents under section 16B in respect of Ministerial Order No. 1337 – Order Amending Ministerial Order No. 615 – Amendment to Order Fixing Fees Administered by the Victorian Registration and Qualifications Authority, of 29 September 2021, under the Education and Training Reform Act 2006.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO ALLEGATIONS OF COLLUSION WITH PROPERTY DEVELOPERS AT KINGSTON CITY COUNCIL** — On the motion of Mr Davis, the Ombudsman's Report on the Investigation into allegations of collusion with property developers at Kingston City Council, was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 13 October 2021 —

- (1) Order of the Day No. 1, second reading of the Planning and Environment Amendment Bill 2021;
- (2) Order of the Day made this day, second reading of the Local Government Amendment (Rates and Charges) Bill 2021;
- (3) the notice of motion given this day by Mr Davis on job losses;
- (4) Order of the Day No. 47, resumption of debate on a motion on the West Gate Tunnel Project;
- (5) Notice of Motion No. 608, standing in the name of Dr Ratnam revoking the Minister's consent to Beach Energy Limited conducting operations within Port Campbell National Park;
- (6) Notice of Motion No. 631, standing in the name of Dr Ratnam referring issues relating to the rise of the far-right, right-wing nationalist and neo-Nazi movement in Victoria to the Legal and Social Issues Committee;
- (7) the notice of motion given this day by Mr Bourman on the production of documents relating to the closure of the Victorian Native Timber Industry; and
- (8) Notice of Motion No. 616, standing in the name of Mr Bourman on digital licences.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

**9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**ESTA PHONE RESPONSE TIMES** — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA phone response times —

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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Office of Public Prosecutions – Victims of crime policies** — substantive question asked by Mr Grimley — response from Ms Symes due Wednesday, 13 October 2021.
- **Wild deer management** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Thursday, 14 October 2021.
- **WorkSafe investigation of hotel quarantine** — substantive question asked by Mr Davis — response from Ms Stitt due Wednesday, 13 October 2021.
- **Commercial Passenger Vehicles – records of vaccination** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 14 October 2021.

**10 MEMBERS' STATEMENTS** — Further statements were made by Members pursuant to Standing Order 5.13.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Mr Davis moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has provided adequate time for consultation with stakeholders to assess the impact of this Bill and has released the proposed regulations.”.

Debate ensued.

Amendments proposed to be moved in Committee by Mr Grimley were circulated.

Question — That the reasoned amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

*[Sitting suspended from 6.00 p.m. to 6.33 p.m.]*

Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted.

Mr Leane 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, 20

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with an amendment and requesting their agreement.

**13 ESSENTIAL SERVICES COMMISSION (COMPLIANCE AND ENFORCEMENT POWERS) AMENDMENT BILL 2021** — 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.

**14 FIREARMS AND OTHER ACTS AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Bourman and Mr Quilty (three sets) were circulated.

*Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

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Mr Leane declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**15 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 10.55 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 127 — Wednesday, 13 October 2021

1 The President took the Chair at 2.35 p.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**HALT PLANNING APPLICATION ON DELTA AVENUE, COBURG NORTH** — Mr Ondarchie presented a Petition bearing 28 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to halt the Moreland City Council's planning application MPS/2008/294/A at 20-22 Delta Avenue, Coburg North to allow for full and open consultation with the local residents and property owners.

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 —

Administration of Victorian Law Courts, October 2021 (*Ordered to be published*).

Protecting Victoria's Biodiversity, October 2021 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to the Victoria Planning Provisions — Amendments VC202 and VC212.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

5 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — Mr Hayes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Hayes moved, That the Bill be now read a second time.

*Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

6 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**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 suburbs tram network** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Friday, 15 October 2021.
- **ESTA investigation into emergency call** — substantive question asked by Ms Lovell — response from Ms Symes due Thursday, 14 October 2021.
- **Victims of crime assistance scheme** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 15 October 2021.
- **Recycling to landfill** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Friday, 15 October 2021.
- **School camp operators** — substantive question asked by Ms Crozier — response from Ms Pulford due Thursday, 14 October 2021.

7 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 8 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

- 9 LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) BILL 2021** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

- 10 JOB LOSSES** — Mr Ondarchie (for Mr Davis) moved, That this House expresses its concern that Victoria is responsible for almost three-quarters of all Australian payroll jobs lost according to the most recent Australian Bureau of Statistics data.

Debate ensued.

Question — put and agreed to.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 3, be postponed until later this day.

- 12 REVOCATION OF MINISTER'S CONSENT TO BEACH ENERGY LIMITED OPERATIONS IN PORT CAMPBELL NATIONAL PARK** — Dr Ratnam moved, That this House, pursuant to section 40(6) of the *National Parks Act 1975*, revokes the Minister's consent to Beach Energy Limited conducting operations within Port Campbell National Park under the *Petroleum Act 1998*.

Debate ensued.

*Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

*[Sitting suspended from 6.00 p.m. to 6.30 p.m.]*

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 631, be postponed until later this day.

- 14 PRODUCTION OF DOCUMENTS — CLOSURE OF THE VICTORIAN NATIVE TIMBER INDUSTRY** — Mr Bourman moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, by 12 noon on Wednesday, 1 December 2021, all documents relating to the arrangements to close the Victorian Native Timber Industry, including but not limited to —

(1) the analysis and data sets used by —

- (a) VicForests in determining the advice forwarded to the Minister for Agriculture, Hon Mary-Anne Thomas MP, regarding the closure of the Victorian Native Timber Industry;

- (b) the Department of Environment, Land, Water and Planning in determining the advice forwarded to the Minister for Energy, Environment and Climate Change, Hon Lily D'Ambrosio MP, regarding the closure of the Victorian Native Timber Industry;
- (2) all advice from the Department of Jobs, Precincts and Regions provided to the Minister for Agriculture regarding the closure of the Victorian Native Timber Industry, including but not limited to the impact on regional jobs, both direct and downstream;
- (3) documentation outlining the impact the closure of the Victorian Native Timber Industry will have on timber supply;
- (4) documents outlining the impact on the environment caused by sourcing timber from new supply sources; and
- (5) all other correspondence from stakeholders relating to the closure of the Victorian Native Timber Industry.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 9.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

**15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**16 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 9.44 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 128 — Thursday, 14 October 2021

- 1 The President took the Chair at 2.50 p.m., read the Prayer and made an Acknowledgement of Country.
- 2 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the Governor-General notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Scott Ryan.
- 3 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Mr Gepp resigning from the Scrutiny of Acts and Regulations Committee, effective from Wednesday, 13 October 2021.
- 4 **GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021** — The President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.
- 5 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (CHILD PROTECTION) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 6 EDUCATION AND TRAINING REFORM AMENDMENT (SENIOR SECONDARY PATHWAYS REFORMS AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.
- 7 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Terrorism (Community Protection) Act 2003 in relation to radicalisation towards violent extremism and the protection of counter-terrorism intelligence, to require a further review of the operation of the Act, to delay the expiry of that Act, to make consequential and related amendments to certain other Acts and to amend the Victorian Institute of Forensic Medicine Act 1985 to update a reference to a repealed Act and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.
- 8 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to establish a centralised electronic system to enable public hospitals and other specified health services to share specified patient health information, to make consequential amendments to the Health Records Act 2001 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane 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.
- Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*
- 9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.
- SMALL BUSINESS JOB LOSSES** — Ms Pulford having given answers to a question without notice and supplementary question relating to small business job losses —
- On the motion of Mr Davis, 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.
- ESTA REVIEW** — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA Review —
- 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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **COVID-19 cases linked to protests** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 18 October 2021.
- **Timber Code of Practice** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Leane due Monday, 18 October 2021.
- **Battery cages** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 18 October 2021.
- **Gambling industry political donations** — substantive question asked by Dr Ratnam — response from Ms Symes due Friday, 15 October 2021.
- **Family violence perpetrators** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 18 October 2021.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**11 PETITIONS** —

**CLASSIFY PET GROOMING AS AN ESSENTIAL SERVICE** — Mr Bourman presented a Petition bearing 1,498 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately classify dog grooming as an essential service to protect the welfare and safety of animals and the mental health and wellbeing of veterinarians, groomers and pet owners.

Ordered to lie on the Table.

\* \* \* \* \*

**FUND PURCHASE OF PETER MCCANN MEMORIAL GROVE** — Mr Meddick presented a Petition bearing 168 signatures from certain citizens of Victoria requesting that the Legislative Council call the Government to provide funding to the City of Greater Geelong to purchase the Peter McCann Memorial Grove, Geelong and to make the land a permanent part of the Fyansford Common, including the development of a carpark and a road to the river.

Ordered to lie on the Table.

**12 CASINO AND ELECTORAL LEGISLATION AMENDMENT (LIMITING GAMBLING HARMS AND OTHER MEASURES) BILL 2021** — Dr Ratnam introduced *A Bill to amend the Casino Control Act 1991 to limit the amount of gambling conducted at the Melbourne Casino, strengthen harm minimisation measures and to amend the Electoral Act 2002 to ban political donations from gambling entities and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**13 PAPERS** —

**INSPECTOR-GENERAL FOR EMERGENCY MANAGEMENT — INQUIRY INTO THE 2019-20 VICTORIAN FIRE SEASON — PHASE 2 REPORT** — Ms Symes moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management's Report on the Inquiry into the 2019-20 Victorian fire season — Phase 2.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD** — Pursuant to Standing Order 23.29, Ms Patten presented the Second report from the Legal and Social Issues Committee on the Inquiry into the closure of I Cook Foods Pty Ltd (including Appendices, Transcripts of Evidence, Extracts of Proceedings and a Minority Report).

Ordered that the Report be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

National Parks Act 1975 — Report on the working of the Act, 2020-21.

National Parks Advisory Council — Report, 2020-21.

Public Record Office Victoria — Report, 2020-21.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 123.

**14 SITTING OF THE COUNCIL** — Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 26 October 2021, at a time to be set by the President.

Question — put and agreed to.

**15 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**16 COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL** — Ms Symes moved, That —

- (1) In order to protect the health and safety of Members and parliamentary staff and reduce the risk of transmission of COVID-19, this House requires Members of the Legislative Council attending the Chamber or the parliamentary precinct to have received —
  - (a) their first COVID-19 vaccine dose by 15 October 2021, or have an appointment to receive their first dose between 15 October and 22 October 2021 and subsequently receive that dose by 22 October 2021; and
  - (b) their second COVID-19 vaccine dose by 26 November 2021.
- (2) In order to protect the health and safety of electorate officers and community members, this House requires Members of the Legislative Council attending their electorate offices to have received COVID-19 vaccinations as set out in paragraph (1).
- (3) Members must provide proof of vaccination, proof of a vaccination booking or proof of a valid exception to the Clerk by the dates set out in paragraph (1).
- (4) If any Members do not meet the requirements set out in paragraph (3), the Clerk will —
  - (a) as soon as practicable, notify each Member of the House which Members have not met the requirements; and
  - (b) report the details to the House on the next sitting day.
- (5) Unless otherwise ordered, any Member who has not complied with the requirements set out in paragraph (3) is determined to have failed to comply with an Order of the House and therefore —
  - (a) is suspended from attending the Chamber and the parliamentary precinct until the second sitting day of the 2022 Parliamentary year; and
  - (b) will have their parliamentary precinct security access pass revoked for the period of the suspension at the direction of the Clerk.
- (6) If a Member who is suspended under paragraph (5) provides proof of a single dose of vaccination between 15 October and 26 November 2021 or a second dose after 26 November 2021, or proof of a valid exception to the Clerk, their suspension is immediately lifted, and the Clerk will advise Members and the House accordingly.
- (7) For the purposes of this resolution —
  - (a) **COVID-19 vaccine** means a vaccine to protect a person against SARSCoV-2 that, as at the date of this resolution, has been registered or provisionally registered by the Therapeutic Goods Administration or has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the Therapeutic Goods Regulations 1990 of the Commonwealth;
  - (b) **proof of vaccination** means information about a person's vaccination status and includes a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register;

- (c) **proof of a valid exception** means written certification from a medical practitioner that the person is unable, due to a medical contraindication to receive a dose, or a further dose, of a COVID-19 vaccine.
- (8) The Clerk —
- (a) must ensure all information provided under this resolution remains confidential and is stored securely;
  - (b) must not disclose any information except as authorised by this resolution; and
  - (c) must destroy all information provided under this resolution at the end of the session or an earlier time determined by the House.
- (9) The House may agree to further resolutions to —
- (a) vary or amend this resolution; or
  - (b) provide for arrangements for sittings in 2022 based on the epidemiology and progress in the roadmap to implementing the national plan at the time.

Debate ensued.

Mr Limbrick moved, as an amendment, That all the words after “That —” be **omitted** with the view of **inserting** the following in their place:

- “(1) In order to protect the health and safety of Members and parliamentary staff and reduce the risk of transmission of COVID-19, this House requires Members of the Legislative Council attending the Chamber or the parliamentary precinct to —
- (a) receive a negative COVID-19 polymerase chain reaction (PCR) test in the 72 hours prior to attending the Chamber or parliamentary precinct each week; or
  - (b) submit to surveillance rapid antigen testing (RAT) each sitting week in line with the trials currently underway at the Level Crossing Removal Project, as announced by the Premier on 6 October 2021.
- (2) If the Member receives a positive result on a RAT they must immediately get a PCR test and follow existing health guidelines.”.

Debate ensued.

Dr Cumming moved, as amendments —

1. **Omit** paragraph (4)(b).
2. After paragraph (6), **insert** the following new paragraph:  
“(7) Any Member who submits to a rapid antigen test administered on behalf of the Clerk by a person authorised to do so by the Clerk, prior to entering the parliamentary precinct for the first time each sitting day, and produces a negative COVID-19 result will not be suspended under paragraph (5), will be admitted to the parliamentary precinct and will be allowed to vote in a division only.”.
3. **Omit** paragraph (9) and **insert** the following in its place:  
“(9) This resolution expires and any suspension is revoked on the day following a 90 per cent rate of double dose COVID-19 vaccinations amongst Members of the Legislative Council being met. The Clerk will, as soon as practicable, notify each Member of the House once proof of this requirement has been received.”.

Debate ensued.

Question — That the amendment moved by Mr Limbrick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That Amendment No. 1 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That Amendment No. 2 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That Amendment No. 3 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.



**17 FIREARMS AND OTHER ACTS AMENDMENT BILL 2021** — *The Bill having been read a second time on Tuesday, 12 October 2021, and the President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —*

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider a New Clause to amend the *Control of Weapons Act 1990* in relation to the definition of **imitation firearm**.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council of 5 October 2021 —*

Ms Tierney 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 Symes 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, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**18 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 15 OCTOBER 2021

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Symes moved, That the sitting be extended.

Question — put and agreed to.

Debate continued.

On the motion of Ms Shing, the debate was adjourned until the next day of meeting.

**19 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 12.30 a.m., adjourned until Tuesday, 26 October 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 126, 127 and 128

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### GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021

*Committed Tuesday, 12 October 2021*

*Amendments circulated: Mr Grimley (p. 931)*

**Clauses 1 to 18** — put and agreed to.

**New Clause** — Mr Grimley moved Amendment No. 1.

Question — That the New Clause stand part of the Bill — put and agreed to.

**Clauses 19 to 151** — put and agreed to.

**Bill reported with an amendment.**

\* \* \* \* \*

### FIREARMS AND OTHER ACTS AMENDMENT BILL 2021

*Committed Thursday, 14 October 2021*

*Amendments circulated: Mr Bourman (p. 931), Mr Quilty (TQ28C) (pp. 931-2), (TQ29C) (p. 932), (TQ32C) (p. 932), (TQ33C) (p. 932)*

An amended set of amendments (*TQ32C, in lieu of those circulated on 12 October 2021*) proposed to be moved in Committee by Mr Quilty were circulated.

Amendments proposed to be moved in Committee by Mr Quilty (*TQ33C*) were circulated.

**Clauses 1 and 2** — put and agreed to.

**New Clause** — Mr Quilty moved Amendment No. 1 (*TQ32C*).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 3 to 7** — put and agreed to.

**Clause 8** — Mr Bourman moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Quilty moved Amendment Nos. 1 and 2 (TQ33C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 8 — put and agreed to.

**New Clause** — Mr Quilty moved Amendment No. 1 (TQ28C).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 9 to 17** — put and agreed to.

**Clauses 18 and 19** — Question — That clauses 18 and 19 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Elasmar; Mr Erdogan; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 20** — Question — That clause 20 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 21** — put and agreed to.

**Clause 22** — Question — That clause 22 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 7

Mr Bourman; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**New Clause** — Mr Quilty moved Amendment No. 1 (TQ29C).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Elasmr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clause 23** — put and agreed to.

**Clause 24** — Question — That clause 24 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 25 to 39** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021**Amendments circulated by Mr Grimley

## NEW CLAUSE

1. Insert the following New Clause to follow clause 18—

**'18A Further amendment of section 66**

After subsection 66(1) of the Principal Act **insert—**

"(1A) Before regulations are made for the purposes of subsection (1)(b) or (1)(c), the Minister must consider any advice of the Authority in respect of any financial impacts or burdens on local communities of the tolls, fees and charges.".'.

**2. FIREARMS AND OTHER ACTS AMENDMENT BILL 2021**Amendments circulated by Mr Bourman

1. Clause 8, before line 3 insert—

'(1AA) In section 3(1) of the **Firearms Act 1996**, in the definition of **firearm**, after paragraph (f) **insert—**

"(fa) a device commonly known as a t-shirt cannon; or".'.

2. Clause 8, line 3, before "In" insert "(1)".

3. Clause 8, after line 5 insert—

'(1A) In section 3(1) of the **Firearms Act 1996**, in the definition of **firearm**, after paragraph (i) **insert—**

"(ia) a device commonly known as an airsoft marker; or

(ib) a device commonly known as a gel blaster; or".'.

4. Clause 18, omit this clause.

5. Clause 19, omit this clause.

6. Clause 20, omit this clause.

7. Clause 22, omit this clause.

8. Clause 24, omit this clause.

Amendments circulated by Mr Quilty (TQ28C)

## NEW CLAUSE

1. Insert the following New Clause to follow clause 8—

**'8A Definitions amended**

After section 3(4) of the **Firearms Act 1996 insert—**

"(5) For the purposes of this Act, in determining whether a person is a fit and proper person, regard should not be had to whether the person has been convicted or found guilty of—

- (a) an offence under the Road Safety Rules 2019; or
- (b) an offence under section 203(1) of the **Public Health and Wellbeing Act 2008**."

Amendments circulated by Mr Quilty (TQ29C)

NEW CLAUSE

1. Insert the following New Clause to follow clause 22—

**'22A New section 112KA inserted**

After section 112K of the **Firearms Act 1996** insert—

**"112KA Exemption from order**

- (1) The Chief Commissioner may, if the Chief Commissioner thinks fit, exempt an individual to whom a firearm prohibition order applies from the operation of a provision of Division 2 or 5 of this Part.
- (2) An exemption under this section is subject to any conditions specified in the exemption."

Amendments circulated by Mr Quilty (TQ32C)

NEW CLAUSE

1. Insert the following New Clause before clause 3—

**'3AA Definitions**

In section 3(1) of the **Control of Weapons Act 1990**, in the definition of *imitation firearm*, for "a device" substitute "a device (other than an airsoft marker that is fitted with a bright orange tip or a gel blaster that is fitted with a bright orange tip)".

Amendments circulated by Mr Quilty (TQ33C)

1. Clause 8, line 3, before "In" insert "(1)".

2. Clause 8, after line 5 insert—

'(1A) In section 3(1) of the **Firearms Act 1996**, in the definition of *firearm*, after paragraph (i) insert—

- "(ia) a device commonly known as an airsoft marker; or
- (ib) a device commonly known as a gel blaster; or"





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 129, 130 and 131

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#### No. 129 — Tuesday, 26 October 2021

- 1 The President took the Chair at 11.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 19 October 2021 —
    - Assisted Reproductive Treatment Amendment Act 2021*
    - Building Amendment (Registration and Other Matters) Act 2021*
    - Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021*
    - Great Ocean Road and Environs Protection Amendment Act 2021*
    - Suburban Rail Loop Act 2021*
  - On 26 October 2021 —
    - Firearms and Other Acts Amendment Act 2021.*
- 3 **COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — CLERK'S REPORT TO THE HOUSE** — Pursuant to paragraph (4)(b) of an Order of the Council of 14 October 2021, and further to an email to Members on 18 October 2021, the Clerk reported to the House that the following Members had failed to comply with paragraph (3) of the Order and were therefore currently suspended from attending the Chamber and the parliamentary precinct —
  - Dr Cumming
  - Mr Limbrick
  - Mr Quilty
  - Mr Somyurek.
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**OMBUDSMAN REPORT — REFERENCE TO PRESIDENT** — Ms Symes having given answers to a question without notice and supplementary question relating to the Ombudsman Report's reference to the President.  
On the motion of Mr Davis, 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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Planning scheme amendments – Ministerial powers** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Thursday, 28 October 2021.
- **Department of Environment, Land, Water and Planning records** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Thursday, 28 October 2021.
- **Lobbying for grants by former Banyule City Council Mayor** — supplementary question asked by Dr Bach — response from Mr Leane due Wednesday, 27 October 2021.
- **Cruelty to wildlife offences** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Thursday, 28 October 2021.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 PETITIONS** —

**REDUCE OR EXEMPT VCE AND IB STUDENTS FROM QUARANTINE REQUIREMENTS** —

Ms Crozier presented a Petition bearing 65 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider the use of PCR and COVID-19 rapid antigen testing to facilitate a reduction or exemption of quarantine requirements for VCE and IB students who have tested positive for COVID-19 or have visited, or are a close contact of someone who has visited, a tier 1 exposure site.

Ordered to lie on the Table.

\* \* \* \* \*

**GOVERNMENT REVIEW OF ENVIRONMENT EFFECTS ACT 1978** — Mr Hayes presented a Petition bearing 435 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review and update the *Environment Effects Act 1978* so that it protects and values the environment as irreplaceable, requires projects to ensure the long-term habitability of Victoria for its people, native plants and animals, and that assessments in Environment Effects Statements cover the full, long-term and cumulative impacts of projects on resource depletion, disease transmission and security risks from deepening our dependence on long-distance supply chains.

Ordered to lie on the Table.

\* \* \* \* \*

**REDUCE STRINGENT COVID-19 LIMITATIONS ON VICTORIANS** — Mr Quilty presented a Petition bearing 304 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reduce the stringency of limitations on the freedom and movement of Victorians and consider whether the current impacts of these restrictions are having a greater negative impact on Victorians than an increased rate of COVID-19 transmission.

Ordered to lie on the Table.

**7 CONSTITUTION AMENDMENT (STATE OF EMERGENCY AND STATE OF DISASTER) BILL 2021** — Mr Davis introduced *A Bill for an Act to amend the Constitution Act 1975 to provide for Parliamentary approval of an extension of a declaration of a state of emergency or a state of disaster*.

On the motion of Mr Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 14 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

**2020-21 FINANCIAL REPORT FOR THE STATE OF VICTORIA (INCORPORATING QUARTERLY FINANCIAL REPORT NO. 4)** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, and following the transmission of the report on 15 October 2021, the Clerk laid on the Table a copy of the 2020-21 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4).

\* \* \* \* \*

**PARLIAMENTARY INTEGRITY ADVISER'S REPORT, 2020-21** — Pursuant to paragraph 4(b) of the Resolution of the Council of 30 April 2019, the Clerk laid on the Table a copy of the Parliamentary Integrity Adviser's Report, 2020-21.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Independent Broad-based Anti-corruption Commission — Special report on Operation Turon: An investigation into alleged misconduct by a former Victoria Police Assistant Commissioner, October 2021 (*Ordered to be published*).

Inquiries Act 2014 — Report for the Royal Commission into the Casino Operator and Licence (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 92 (*Gazette No. G41, 14 October 2021*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C363.

Campaspe and Greater Shepparton Planning Schemes — Amendment GC151.

Cardinia Planning Scheme — Amendment C264.

Casey and Frankston Planning Schemes — Amendment GC182.

Central Goldfields Planning Scheme — Amendment C31.

Greater Bendigo Planning Scheme — Amendment C235.

Greater Shepparton Planning Scheme — Amendment C231.

Hume Planning Scheme — Amendment C247.

Moonee Valley Planning Scheme — Amendment C211.

Queenscliffe Planning Scheme — Amendment C33.

Surf Coast Planning Scheme — Amendments C124 and C127.

Swan Hill Planning Scheme — Amendment C73.

Wangaratta Planning Scheme — Amendment C76.

Whittlesea Planning Scheme — Amendment C255.

Wyndham Planning Scheme — Amendment C236.

Yarra Planning Scheme — Amendments C272, C288 and C296.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 128.

Drugs, Poisons and Controlled Substances Act 1981 — No. 127.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 127 and 128.

Legislative Instruments and related documents under section 16B in respect of —

Secretary Approval: Nurse Immunisers — SARS-COV-2 (COVID-19) VACCINE of 28 September 2021 under the Drugs, Poisons and Controlled Substances Act 1981.

Secretary Approval: Pharmacist Immuniser — SARS-COV-2 (COVID-19) VACCINE of 28 September 2021 under the Drugs, Poisons and Controlled Substances Act 1981.

Victorian Government Purchasing Board — Report, 2020-21.

Victorian Multicultural Commission — Report, 2020-21.

Victorian Racing Integrity Board — Report, 2020-21.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Change or Suppression (Conversion) Practices Prohibition Act 2021 — Part 5 and sections 1 and 2 — 26 October 2021 (*Gazette No. S580, 19 October 2021*).

Energy Legislation Amendment (Energy Fairness) Act 2021 — Part 1, Division 4 of Part 2 and Division 4 of Part 3 — 25 October 2021 (*Gazette No. S579, 19 October 2021*).

Transport Legislation Miscellaneous Amendments Act 2021 — Part 7, Division 2 of Part 8 and sections 101 and 102 — 3 November 2021 (*Gazette No. S578, 19 October 2021*).

\* \* \* \* \*

**GOVERNMENT RESPONSE TO THE ROYAL COMMISSION INTO THE CASINO OPERATOR AND LICENCE REPORT** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government response to the Royal Commission into the Casino Operator and Licence Report.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table and be published.

**9 PRODUCTION OF DOCUMENTS — COVID-19 MANDATORY VACCINATION DIRECTIONS**

— The Clerk laid on the Table a letter from the Attorney-General, dated 19 October 2021, in response to the Resolution of the Council of 6 October 2021 (on the motion of Mr Limbrick), relating to the COVID-19 mandatory vaccination directions, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 27 October 2021 —

- (1) Order of the Day made this day, second reading of the Constitution Amendment (State of Emergency and State of Disaster) Bill 2021;
- (2) the notice of motion given this day by Mr Limbrick to re-open the Public Accounts and Estimates Committee's Inquiry into the Victorian Government's response to the COVID-19 pandemic;
- (3) the notice of motion given this day by Mr Limbrick on the production of documents relating to the decision to require that all Members of the Legislative Council provide verification of their COVID-19 vaccination status;
- (4) Order of the Day No. 2, resumption of debate on the Local Government Amendment (Rates and Charges) Bill 2021;
- (5) Order of the Day No. 45, resumption of debate on a motion on the West Gate Tunnel Project; and
- (6) Order of the Day No. 1, resumption of debate on the Planning and Environment Amendment Bill 2021.

Question — put and agreed to.

**11 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA**

— Ms Terpstra moved, by leave, That the Resolutions of the Council of 19 February 2020 and 7 September 2021 and the Resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 28 October 2021, on actions to minimise the health impacts of air pollution in Victoria, be amended so as to now require the Committee to present its report by 18 November 2021.

Question — put and agreed to.

**12 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA**

— Ms Terpstra moved, by leave, That the Resolutions of the Council of 30 October 2019, 17 March 2021, 8 June 2021 and 7 September 2021 and the Resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 18 November 2021, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, be amended so as to now require the Committee to present its report by 2 December 2021.

Question — put and agreed to.

**13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 14 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021** — 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.  
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.
- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 16 EDUCATION AND TRAINING REFORM AMENDMENT (SENIOR SECONDARY PATHWAYS REFORMS AND OTHER MATTERS) BILL 2021** — 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 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.
- 18 FORESTS AMENDMENT (FOREST FIREFIGHTERS PRESUMPTIVE RIGHTS COMPENSATION) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Maxwell were circulated.  
*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*
- 
- On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.
- 
- Debate continued.  
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.
- 19 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.  
Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.  
And then the Council, at 7.23 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 130 — Wednesday, 27 October 2021

1 The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

### 2 PETITIONS —

**REMOVE MASK MANDATE FOR CHILDREN** — Dr Cumming presented a Petition bearing 2,208 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the mask mandate for children and make it a voluntary decision, as there is no evidence that mask wearing for children will reduce the transmission of the COVID-19 Delta variant.

Ordered to lie on the Table.

\* \* \* \* \*

**ECO-FRIENDLY SANITARY PRODUCTS IN PUBLIC SCHOOLS** — Dr Ratnam presented a Petition bearing 1,035 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Education to provide young Victorian women with the option of choosing eco-friendly period products such as menstrual cups, period underwear or washable pads.

Ordered to lie on the Table.

### 3 PAPERS —

**PARLIAMENTARY DEPARTMENTS** — Ms Lovell moved, by leave, That there be laid before this House a copy of the —

(1) Department of the Legislative Council Report, 2020-21; and

(2) Department of Parliamentary Services Report, 2020-21.

Question — put and agreed to.

The Reports were presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Audit Act 1994 — Financial Audit of the Victorian Auditor-General's Office, year ended 30 June 2021, under section 81(4) of the Act.

Auditor-General's Report on Management of Spending in Response to COVID-19, October 2021 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of Approval of the Victoria Planning Provisions — Amendment VC173.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

5 **CONSTITUTION AMENDMENT (STATE OF EMERGENCY AND STATE OF DISASTER) BILL 2021** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

6 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC** — Mr Limbrick moved, That —

(1) this House notes that —

(a) 2021 has seen a significant and ongoing impact of the COVID-19 pandemic in Victoria;

(b) certain communities, people, businesses and sectors have been disproportionately impacted by the COVID-19 pandemic;

(c) the Public Accounts and Estimates Committee Report on the Inquiry into the Victorian Government's response to the COVID-19 pandemic was tabled on 2 February 2021 and no other oversight committee has thoroughly considered the Government's pandemic response throughout 2021;

- (d) aspects of pandemic management such as the vaccine rollout, management of hotel quarantine, border controls, enforcement of public health directions, mental health impacts and assistance packages have had no thorough consideration commensurate to the Public Accounts and Estimates Committee's work last year; and
- (2) pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to re-open their Inquiry into the Victorian Government's response to the COVID-19 pandemic, to consider and report, by no later than 31 March 2022, on the efficacy of any changes stemming from the initial report and new issues that emerged throughout 2021.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 663, be postponed until later this day.
- 8 LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) BILL 2021** — 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 —*
- 9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Children with parents in custody** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Friday, 29 October 2021.
- **COVID-19 restrictions** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 29 October 2021.
- **Vaccination of retail workers** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Friday, 29 October 2021.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 11 LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) BILL 2021** — Debate continued on the question, That the Bill be now read a second time.
- On the motion of Dr Bach, the debate was adjourned until later this day.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 3, be postponed until later this day.
- 13 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Barton; Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 27

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.12 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 131 — Thursday, 28 October 2021

**1** The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

**2 COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — CLERK'S UPDATE REPORT TO THE HOUSE** — Pursuant to paragraph (6) of an Order of the Council of 14 October 2021, and further to an email to Members today, the Clerk reported to the House that Dr Cumming had now met the requirements of paragraph (3) of the Order and her suspension had been lifted.

**3 PETITION — ABANDON PLAN TO SHOOT BARMAH BRUMBIES** — Ms Lovell presented a Petition bearing 2,463 signatures from certain citizens of Victoria requesting that the Legislative Council call upon the Minister for Energy, Environment and Climate Change to abandon all planned action under the current joint management plan for the Barmah National Park to remove brumbies, to release the last five annual floodplain marshes condition reports and brumby population aerial count photos, and commence an immediate review into allegations made about the impacts and damages caused by brumbies and other introduced species in the Barmah National Park.

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.

**4 PAPERS** —

**VISIT VICTORIA LIMITED REPORT, 2020-21** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Visit Victoria Limited Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIA LAW FOUNDATION REPORT, 2020-21** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.



**CONSUMER POLICY RESEARCH CENTRE REPORT, 2020-21** — Ms Symes (for Mr Leane) moved, by leave, That there be laid before this House a copy of the Consumer Policy Research Centre Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**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 (ACCS) — Report, 2020-21.

Adult, Community and Further Education Board — Report, 2020-21.

Adult Parole Board of Victoria — Report, 2020-21.

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — under section 43 of the Act —

Advancing the Victorian Treaty Process — Report, 2020-21.

First Peoples' Assembly of Victoria — Report, 2021.

Agriculture Victoria Services Pty Ltd — Report, 2020-21.

Alfred Health — Report, 2020-21.

Ambulance Victoria — Report, 2020-21.

AMES Australia — Report, 2020-21.

Architects Registration Board of Victoria — Minister's report of receipt of the 2020-21 report.

Austin Health — Report, 2020-21.

Australian Centre for the Moving Image (ACMI) — Report, 2020-21.

Australian Grand Prix Corporation — Report, 2020-21.

Bairnsdale Regional Health Service — Report, 2020-21.

Ballarat General Cemeteries Trust — Report, 2020-21.

Barwon Region Water Corporation — Report, 2020-21.

Beaufort and Skipton Health Service — Report, 2020-21.

Bendigo Health — Report, 2020-21.

Calvary Health Care Bethlehem Limited — Report, 2020-21.

Cenitex — Report, 2020-21.

Central Gippsland Region Water Corporation — Report, 2020-21.

Central Highlands Region Water Corporation — Report, 2020-21.

City West Water Corporation — Report, 2020-21.

Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2019, under section 52 of the Act.

Coliban Region Water Corporation — Report, 2020-21.

Commercial Passenger Vehicles Commission — Report, 2020-21.

Commission for Children and Young People — Report, 2020-21 (*Ordered to be published*).

Confiscation Act 1997 —

Asset Confiscation Operations Report, 2020-21.

Report, 2019-20 by the Chief Commissioner of Victoria Police, under section 139A of the Act.

Consumer Affairs Victoria — Report, 2020-21 (*Ordered to be published*).

Corangamite Catchment Management Authority — Report, 2020-21.

Coroners Court of Victoria — Report, 2020-21.

Coronial Council of Victoria — Report, 2020-21.

Criminal Organisations Control Act 2012 — Report, 2020-21 by Victoria Police, under section 133 of the Act.

Dairy Food Safety Victoria — Report, 2020-21.

Dental Health Services Victoria — Report, 2020-21.

Development Victoria — Report, 2020-21.

Disability Services Commissioner — Report, 2020-21.

Docklands Studios Melbourne Pty Ltd — Report, 2020-21.

Duties Act 2000 — Treasurer's Report of Corporate Reconstruction and Consolidation Concessions and Exemptions for 2020-21, under section 250B(4) of the Act.

East Gippsland Catchment Management Authority — Report, 2020-21.

- East Gippsland Region Water Corporation — Report, 2020-21.
- Eastern Health — Report, 2020-21.
- Echuca Regional Health — Report, 2020-21.
- Edenhope and District Memorial Hospital — Report, 2020-21.
- Education and Training Department — Report, 2020-21.
- Electoral Boundaries Commission — Report on the Redivision of Victorian Electoral Boundaries 2020-2021, October 2021.
- Emergency Services Superannuation Scheme (ESSSuper) — Report, 2020-21.
- Emergency Services Telecommunications Authority (ESTA) — Report, 2020-21.
- Energy Safe Victoria — Report, 2020-21.
- Environment, Land, Water and Planning Department — Report, 2020-21.
- Evidence (Miscellaneous Provisions) Act 1958 — Report, 2020-21 by Victoria Police, under section 42BI of the Act.
- Families, Fairness and Housing Department — Report, 2020-21.
- Fed Square Pty Ltd — Report, 2020-21.
- Film Victoria — Report, 2020-21.
- Financial Management Act 1994 —
- Explanation from the Assistant Treasurer under section 46(3)(a) of the Act, for the delay of the Essential Services Commission Report, 2020-21.
  - Explanation from the Minister for Consumer Affairs, Gaming and Liquor Regulation under section 46(3)(a) of the Act, for the delay of the 2020-21 Reports of the —
    - Recreational Fishing Licencing Trust Account (RFLTA).
    - Victorian Commission for Gambling and Liquor Regulation (VCGLR).
    - Victorian Responsible Gambling Foundation (VRGF).
  - Explanation from the Minister for Energy, Environment and Climate Change under section 46(3)(a) of the Act, for the delay of the 2020-21 Reports of the —
    - Alpine Resorts Coordinating Council.
    - Barwon South West Waste and Resource Recovery Group.
    - Caulfield Racecourse Reserve Trust.
    - Commissioner for Environmental Sustainability.
    - Dhelkunya Dja Land Management Board.
    - Environment Protection Authority (EPA).
    - Gippsland Waste and Resource Recovery Group.
    - Goulburn Valley Waste and Resource Recovery Group.
    - Grampians Central West Waste and Resource Recovery Group.
    - Great Ocean Road Coast and Parks Authority.
    - Gunaikurnai Traditional Owner Land Management Board.
    - Loddon Mallee Waste and Resource Recovery Group.
    - Metropolitan Waste and Resource Recovery Group.
    - North East Waste and Resource Recovery Group.
    - Royal Botanic Gardens Board.
    - Sustainability Victoria.
    - Trust for Nature.
    - Yorta Yorta Traditional Owner Land Management Board.
  - Explanation from the Minister for Health under section 46(3)(a) of the Act, for the delay of the 2020-21 Reports of the —
    - Albury Wodonga Health.
    - Alexandra District Hospital.
    - Alpine Health.
    - Ballarat Health Services.
    - Barwon Health.
    - Bass Coast Health.
    - Beechworth Health Service.
    - Beechworth Health.
    - Benalla Health.
    - Boort District Health.
    - Casterton Memorial Hospital.

Castlemaine Health.  
Central Gippsland Health Service.  
Central Highlands Rural Health.  
Cohuna District Hospital.  
Colac Area Health.  
Corryong Health.  
Djerriwarrh Health Services.  
East Grampians Health Service.  
East Wimmera Health Service.  
Goulburn Valley Health.  
Great Ocean Road Health.  
Heathcote Health Service.  
Hesse Rural Health Service.  
Heywood Rural Health.  
Inglewood and Districts Health Service.  
Kerang District Health.  
Kilmore District Health.  
Kyabram and District Health Services.  
Maldon Hospital.  
Mansfield District Hospital.  
Mildura Base Hospital.  
Mildura Cemetery Trust.  
Moyne Health Services.  
NCN Health (formerly Cobram, Nathalia & Numurkah and District Health Service).  
Northeast Health Wangaratta.  
Omeo District Health.  
Orbost Regional Health.  
Peninsula Health.  
Portland District Health.  
Radiation Advisory Committee.  
Rural Northwest Health.  
Seymour Health.  
South Gippsland Hospital.  
South West Healthcare.  
Stawell Regional Health.  
Swan Hill District Health.  
Tallangatta Health Service.  
Terang and Mortlake Health Service.  
Timboon and District Healthcare Service.  
Tweddle Child and Family Health Service.  
Victorian Assisted Reproductive Treatment Authority.  
Victorian Pharmacy Authority.  
West Gippsland Healthcare Group.  
West Wimmera Health Service.  
Western District Health Service.  
Wimmera Health Care Group.  
Yarram and District Health Service.  
Yarrawonga Health.  
Yea and District Memorial Hospital.

Explanation from the Minister for Multicultural Affairs under section 46(3)(a) of the Act, for the delay of the VITS LanguageLoop Report, 2020-21.

Explanation from the Minister for Planning under section 46(3)(a) of the Act, for the delay of the 2020-21 Reports of the —

Cladding Safety Victoria.  
Heritage Council of Victoria.  
Surveyors Registration Board of Victoria.  
Victorian Building Authority.

Victorian Planning Authority.  
 Explanation from the Treasurer under section 46(3)(a) of the Act, for the delay of the Victorian Plantations Corporation (VPC) Report, 2020-21.  
 Forensic Leave Panel — Report, 2020.  
 Game Management Authority — Report, 2020-21.  
 Geelong Cemeteries Trust — Report, 2020-21.  
 Geelong Performing Arts Centre Trust — Report, 2020-21.  
 Geoffrey Gardiner Dairy Foundation Limited — Report, 2020-21.  
 Gippsland and Southern Rural Water Corporation — Report, 2020-21.  
 Gippsland Southern Health Service — Report, 2020-21.  
 Glenelg Hopkins Catchment Management Authority — Report, 2020-21.  
 Goulburn Broken Catchment Management Authority — Report, 2020-21.  
 Goulburn Valley Region Water Corporation — Report, 2020-21.  
 Goulburn-Murray Rural Water Corporation — Report, 2020-21.  
 Grampians Wimmera Mallee Water Corporation (GWM Water) — Report, 2020-21.  
 Greater Metropolitan Cemeteries Trust — Report, 2020-21.  
 Greyhound Racing Victoria — Report, 2020-21.  
 Harness Racing Victoria — Report, 2020-21.  
 Health Department — Report, 2020-21.  
 Health Purchasing Victoria (HealthShare Victoria) — Report, 2020-21.  
 Independent Broad-based Anti-corruption Commission — Report, 2020-21 (*Ordered to be published*).  
 Infrastructure Victoria — Report, 2020-21.  
 Jobs, Precincts and Regions Department — Report, 2020-21.  
 Justice and Community Safety Department — Report, 2020-21.  
 Kardinia Park Stadium Trust — Report, 2020-21.  
 Kooweerup Regional Health Service — Report, 2020-21.  
 Labour Hire Licensing Authority — Report, 2020-21.  
 Latrobe Regional Hospital — Report, 2020-21.  
 Legal Practitioners' Liability Committee — Report, 2020-21.  
 Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2020-21.  
 Library Board of Victoria — Report, 2020-21.  
 Lower Murray Urban and Rural Water Corporation — Report, 2020-21.  
 Mallee Catchment Management Authority — Report, 2020-21.  
 Mallee Track Health and Community Service — Report, 2020-21.  
 Maryborough District Health Service — Report, 2020-21.  
 Melbourne Convention and Exhibition Trust — Report, 2020-21.  
 Melbourne Health (Royal Melbourne Hospital) — Report, 2020-21.  
 Melbourne Market Authority — Report, 2020-21.  
 Melbourne Port Lessor Pty Ltd — Report, 2020-21.  
 Melbourne Recital Centre — Report, 2020-21.  
 Melbourne Water Corporation — Report, 2020-21.  
 Mental Health Complaints Commissioner — Report, 2020-21.  
 Mental Health Tribunal — Report, 2020-21.  
 Mercy Hospitals Victoria Ltd — Report, 2020-21.  
 Mine Land Rehabilitation Authority — Report, 2020-21.  
 Monash Health — Report, 2020-21.  
 Murray Valley Winegrape Industry Development Committee — Minister's report of receipt of the 2020-21 report.  
 Museums Board of Victoria — Report, 2020-21.  
 National Gallery of Victoria (NGV) — Report, 2020-21.  
 North Central Catchment Management Authority — Report, 2020-21.  
 North East Catchment Management Authority — Report, 2020-21.  
 North East Region Water Corporation — Report, 2020-21.  
 Northern Health — Report, 2020-21.  
 Office of Public Prosecutions — Report, 2020-21.

Office of the National Rail Safety Regulator — Report, 2020-21.  
Ombudsman — Report, 2020-21 (*Ordered to be published*).  
Parks Victoria — Report, 2020-21.  
Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2020-21 Budget Estimates.  
Peter MacCallum Cancer Centre — Report, 2020-21.  
Phillip Island Nature Parks — Report, 2020-21.  
Phytogene Pty Ltd — Minister's report of receipt of the 2020-21 report.  
Police Registration and Services Board — Report, 2020-21.  
Port of Hastings Development Authority — Report, 2020-21.  
Port Phillip and Westernport Catchment Management Authority — Report, 2020-21.  
Portable Long Service Benefits Authority — Report, 2020-21.  
Post Sentence Authority — Report, 2020-21.  
Premier and Cabinet Department — Report, 2020-21.  
PrimeSafe — Report, 2020-21.  
Public Interest Monitor — Report, 2020-21.  
Queen Elizabeth Centre — Report, 2020-21.  
Queen Victoria Women's Centre Trust — Minister's report of receipt of the 2020-21 report.  
Racing Integrity Commissioner — Report, 2020-21.  
Regional Development Victoria — Report, 2020-21.  
Remembrance Parks Central Victoria — Report, 2020-21.  
Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — 2020-21 Progress Report, under section 8 of the Act.  
Residential Tenancies Bond Authority — Report, 2020-21.  
Respect Victoria — Report, 2020-21.  
Robinvale District Health Services (RDHS) — Report, 2020-21.  
Rochester and Elmore District Health Service — Report, 2020-21.  
Rolling Stock Holdings (Victoria) Pty Limited — Report, 2020-21.  
Rolling Stock (Victoria-VL) Pty Limited — Report, 2020-21.  
Rolling Stock (VL-1) Pty Limited — Report, 2020-21.  
Rolling Stock (VL-2) Pty Limited — Report, 2020-21.  
Rolling Stock (VL-3) Pty Limited — Report, 2020-21.  
Royal Children's Hospital — Report, 2020-21.  
Royal Victorian Eye and Ear Hospital — Report, 2020-21.  
Royal Women's Hospital — Report, 2020-21.  
Sentencing Advisory Council — Report, 2020-21.  
Shrine of Remembrance Trustees — Report, 2020-21.  
South East Water Corporation — Report, 2020-21.  
South Gippsland Region Water Corporation — Report, 2020-21.  
Southern Metropolitan Cemeteries Trust — Report, 2020-21.  
St Vincent's Hospital (Melbourne) Limited — Report, 2020-21.  
State Electricity Commission of Victoria — Report, 2020-21.  
State Sport Centres Trust — Report, 2020-21.  
State Trustees Limited — Report, 2020-21.  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 133.  
Surveillance Devices Act 1999 — Reports under section 30L of the Act for —  
2020-21 by the Australian Criminal Intelligence Commission.  
2019-20 by the Department of Environment, Land, Water and Planning.  
2020-21 by the Game Management Authority.  
2019-20 by Victoria Police.  
2020-21 by Victoria Police.  
Surveyor-General — Report, 2020-21 on the administration of the Survey Co-ordination Act 1958.  
Transport Accident Commission (TAC) — Report, 2020-21.  
Transport Department — Report, 2020-21.  
Treasury and Finance Department — Report, 2020-21.

- Treasury Corporation of Victoria — Report, 2020-21.  
 V/Line Corporation — Report, 2020-21.  
 Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the 2020-21 report.  
 Victims of Crime Assistance Tribunal — Report, 2020-21.  
 Victims of Crime Commissioner — Report, 2020-21.  
 Victoria Police — Report, 2020-21.  
 Victorian Arts Centre Trust — Report, 2020-21.  
 Victorian Catchment Management Council — Report, 2020-21.  
 Victorian Curriculum and Assessment Authority — Report, 2020-21.  
 Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria — Report, 2019-21.  
 Victorian Electoral Commission — Report, 2020-21.  
 Victorian Environmental Assessment Council — Report, 2020-21.  
 Victorian Environmental Water Holder — Report, 2020-21.  
 Victorian Fisheries Authority — Report, 2020-21.  
 Victorian Funds Management Corporation — Report, 2020-21.  
 Victorian Health Promotion Foundation (VicHealth) — Report, 2020-21.  
 Victorian Inspectorate — Report, 2020-21.  
 Victorian Institute of Forensic Medicine — Report, 2020-21.  
 Victorian Institute of Teaching — Report, 2020-21.  
 Victorian Legal Services Board and Legal Services Commissioner — Report, 2020-21 (*Ordered to be published*).  
 Victorian Local Government Grants Commission — Allocation Report, year ended 31 August 2021.  
 Victorian Managed Insurance Authority (VMIA) — Report, 2020-21.  
 Victorian Marine and Coastal Council — Report, 2020-21.  
 Victorian Ports Corporation (Melbourne) — Report, 2020-21.  
 Victorian Public Sector Commission — Report, 2020-21.  
 Victorian Rail Track (VicTrack) — Report, 2020-21.  
 Victorian Regional Channels Authority — Report, 2020-21.  
 Victorian Registration and Qualifications Authority — Report, 2020-21.  
 Victorian Small Business Commission — Report, 2020-21 (*Ordered to be published*).  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2020-21 report.  
 Victorian Veterans Council — Report, 2020-21.  
 Victorian WorkCover Authority (WorkSafe Victoria) — Report, 2020-21.  
 Wannon Region Water Corporation — Report, 2020-21.  
 West Gippsland Catchment Management Authority — Report, 2020-21.  
 Western Health — Report, 2020-21.  
 Western Region Water Corporation — Report, 2020-21.  
 Westernport Region Water Corporation — Report, 2020-21.  
 Wimmera Catchment Management Authority — Report, 2020-21.  
 Witness Protection Act 1991 — Report, 2020-21 by Victoria Police, under section 20R of the Act.  
 Yarra Valley Water Corporation — Report, 2020-21.  
 Youth Parole Board — Report, 2020-21.  
 Zoological Parks and Gardens Board (Zoos Victoria) — Report, 2020-21.

**5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 November 2021.

Question — put and agreed to.

**6 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Mr Rich-Phillips be a participating member of the Standing Committee on the Environment and Planning.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 665 to 668, be postponed until later this day.

**9 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam and Ms Symes were circulated. Question — put and agreed to.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Symes were outside the scope of the Bill —*

Ms Symes moved, That Standing Orders be suspended to the extent necessary to allow the Committee to have the power to consider Amendments and New Clauses to amend the **Juries Act 2000** to provide that the Juries Commissioner may exempt a person or class of persons from selection to be summoned for jury service based on health, safety or welfare concerns.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*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:

- **Vaccination rates in City of Melbourne** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 1 November 2021.
- **WorkSafe – consultant cost of training for telehandler use** — substantive question asked by Ms Bath — response from Ms Stitt due Friday, 29 October 2021.
- **Justice health contract** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Monday, 1 November 2021.
- **Fire services response time data** — substantive question asked by Mr Davis — response from Ms Symes due Friday, 29 October 2021.
- **COVID-19 rules applying to shooting clubs** — substantive and supplementary questions asked by Mr Bourman — response from Ms Symes due Monday, 1 November 2021.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Symes moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Dr Cumming; Mr Hayes; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

The following Members, who were not in the Chamber at the time of the division, registered their opinion on the question, pursuant to an Order of the Council of 15 September 2021:

NOES — Mr Limbrick; Mr Quilty.

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.

**13 LIQUOR CONTROL REFORM AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Grimley, Mr Meddick (co-sponsored by Mr Barton), Mr Ondarchie, Ms Patten and Dr Ratnam were circulated.

Question — put and 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 —*

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was altered from 60 minutes to 15 minutes.

*[Sitting suspended from 6.30 p.m. to 6.45 p.m.]*

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Leane moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — 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 the effective management of pandemics and for other purposes* and requesting the agreement of the Council.

Ms Symes moved, That the Bill to be read a first time.

Question — That the Bill be now read a first time — put.



The Council divided — The President in the Chair.

AYES, 18

Mr Elasmar; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill was read a first time and ordered to be read a second time on the next day of meeting.

**15 WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021** —

The President read a Message from the Assembly presenting *A Bill for an Act to impose a windfall gains tax on the increase in the value of land resulting from a rezoning and amend the Duties Act 2000, the Essential Services Commission Act 2001, the Gambling Regulation Act 2003, the Land Tax Act 2005, the State Taxation and Mental Health Acts Amendment Act 2021, the Taxation Administration Act 1997, the Valuation of Land Act 1960, the Water Act 1989 and the Water Industry Act 1994 and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Symes, 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 (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Symes made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

Ms Symes moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for two weeks.

**16 SEX WORK DECRIMINALISATION BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to decriminalise sex work, to repeal the Sex Work Act 1994, to provide for a new protected attribute in the Equal Opportunity Act 2010, to make consequential and related amendments to other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Symes (for Ms Stitt), 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, the debate was adjourned for one week.

**17 SPECIAL INVESTIGATOR BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Office of the Special Investigator to investigate potential criminal conduct and breaches of discipline relating to the recruitment, management and use by Victoria Police of Nicola Maree Gobbo as a human source, to amend certain other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Symes, 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 Dr Bach), the debate was adjourned for one week.

- 18 VICTORIAN COLLABORATIVE CENTRE FOR MENTAL HEALTH AND WELLBEING BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Collaborative Centre for Mental Health and Wellbeing, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 19 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021** — 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.

- 20 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 10.30 p.m., adjourned until Tuesday, 16 November 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 129, 130 and 131

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### WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021

*Committed Tuesday, 26 October 2021*

*Amendments circulated: Dr Ratnam (p. 958), Mr Rich-Phillips (p. 958)*

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

**Clauses 1 to 29** — put and agreed to.

**Clause 30** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 30 — put and agreed to.

**Clause 31** — put and agreed to.

**Clause 32** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Hayes; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 32 — put and agreed to.

**Clauses 33 to 149** — put and agreed to.

**Bill reported without amendment.**

**EDUCATION AND TRAINING REFORM AMENDMENT (SENIOR SECONDARY PATHWAYS REFORMS AND OTHER MATTERS) BILL 2021**

*Committed Tuesday, 26 October 2021*

**Clauses 1 to 22** — put and agreed to.

**Bill reported without amendment.**

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**FORESTS AMENDMENT (FOREST FIREFIGHTERS PRESUMPTIVE RIGHTS COMPENSATION) BILL 2021**

*Committed Tuesday, 26 October 2021*

*Amendments circulated: Ms Maxwell (p. 958)*

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Ms Maxwell moved Amendment No. 1 — put and negatived.

Clause 9 — put and agreed to.

**Clause 10** — put and agreed to.

**Bill reported without amendment.**

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**TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021**

*Committed Thursday, 28 October 2021*

*Amendments circulated: Dr Ratnam (p. 958), Ms Symes (pp. 958-60)*

*Amendments to Ms Symes' amendments circulated: Dr Bach (p. 960)*

**Clause 1** — Ms Symes moved Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

Amendments to Ms Symes' amendments proposed to be moved in Committee by Dr Bach were circulated.

**Clause 2** — Ms Symes moved Amendment No. 2 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 22** — put and agreed to.

**Clause 23** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 23 — put and agreed to.

**Clauses 24 to 30** — put and agreed to.

**New Part Heading and New Clause** — Ms Symes moved Amendment Nos. 3 and 4.

Dr Bach moved Amendment Nos. 1 and 2 to Ms Symes' amendments.

Question — That the amendments moved by Dr Bach to Ms Symes' amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Question — That the New Part Heading and New Clause stand part of the Bill — put and agreed to.

Dr Bach moved, That progress be reported and the Committee have leave to sit again once the Scrutiny of Acts and Regulations Committee have considered and reported, by no later than 16 November 2021, on the —

(1) amendments proposed by Ms Symes to the Terrorism (Community Protection) Amendment Bill 2021;

(2) the amendments proposed by Dr Bach to Ms Symes' Amendment No. 4; and the compatibility with the *Charter of Human Rights and Responsibilities Act 2006*, in particular, the restrictions on jury membership.

Debate ensued.

Question — That the motion moved by Dr Bach be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Ondarchie; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 31** — put and agreed to.

**Long Title** — Ms Symes moved Amendment No. 5 — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

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**LIQUOR CONTROL REFORM AMENDMENT BILL 2021**

*Committed Thursday, 28 October 2021*

*Amendments circulated: Mr Grimley (pp. 960-1), Mr Meddick (co-sponsored by Mr Barton) (pp. 961-4), Mr Ondarchie (pp. 964-5), Ms Patten (p. 965) and Dr Ratnam (pp. 965-6)*

**Clause 1** — Mr Ondarchie moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Bourman; Mr Elasmar; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Mr Meddick (*and on behalf of Mr Barton*) moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 27

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 4 — put and agreed to.

**Clauses 5 to 7** — put and agreed to.

**Clause 8** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Dr Ratnam.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 26

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 13** — put and agreed to.

**Clause 14** — Mr Ondarchie moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Ondarchie.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 20

Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Clause 14 — put and agreed to.

**Clauses 15 and 16** — put and agreed to.

**Clause 17** — Mr Grimley moved Amendment No. 1 — put and negatived.

Mr Grimley moved Amendment No. 2 — put and negatived.

Dr Ratnam moved Amendment Nos. 9 to 11.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 25

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Clause 17 — put and agreed to.

**Clauses 18 to 21** — put and agreed to.

**Clause 22** — Mr Grimley moved Amendment No. 5 — put and negatived.

Clause 22 — put and agreed to.

**Clauses 23 to 41** — put and agreed to.

**Clause 42** — Mr Grimley moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Patten moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barton; Dr Cumming; Mr Hayes; Ms Patten.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 42 — put and agreed to.

**Clause 43** — put and agreed to.

**Clause 44** — Ms Patten moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Ondarchie; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*



## NOES, 18

Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 44 — put and agreed to.

**Clauses 45 to 59** — put and agreed to.

**New Clause** — Mr Ondarchie moved Amendment No. 7.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Ondarchie; Ms Patten.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 17

Mr Bourman; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 60 to 62** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021**Amendments circulated by Dr Ratnam

1. Clause 32, page 21, line 12, after "works" insert ", environment".
2. Clause 32, page 21, line 31, after "works" insert ", environment".

Amendments circulated by Mr Rich-Phillips

1. Clause 30, page 19, after line 7 insert—
  - "(ab) any records or any information about the amount of water a person is authorised to take in a water season from a water system or a zone in a water system that has not been used;
  - (ac) any records or any information about any authorisations of a person to take water from a water system or a zone in a water system, if the amount of water the person is authorised to take is less than 2 per cent of the total amount of water that is authorised to be taken from the water system or the zone in the water system;"

**2. FORESTS AMENDMENT (FOREST FIREFIGHTERS PRESUMPTIVE RIGHTS COMPENSATION) BILL 2021**Amendments circulated by Ms Maxwell

1. Clause 9, after line 27 insert—
 

"13	Primary site cervical cancer	10 years
14	Primary site ovarian cancer	10 years
15	Primary site uterine cancer	10 years".

**3. TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021**Amendments circulated by Dr Ratnam

1. Clause 23, line 14, omit "2028" and insert "2024".
2. Clause 24, line 33, omit "2031" and insert "2026".

Amendments circulated by Ms Symes

1. Clause 1, page 2, after line 17 insert—
  - "(ba) to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt a person or a class of persons from selection to be summoned for jury service based on health, safety or welfare concerns; and"
2. Clause 2, line 22, after "Part 4," insert "Part 4A".
3. Page 146, after line 9 insert the following new Part heading—

**"Part 4A—Amendment of the Juries Act 2000".**

## NEW CLAUSES

4. Insert the following New Clauses to follow clause 30 and the Part heading proposed by amendment 3—

**'30A Questionnaire**

In section 20(1) of the **Juries Act 2000**, after "period" insert "or whether the person may be exempted under section 27(4) from being summoned for jury service".

**30B Summons**

- (1) After section 27(3) of the **Juries Act 2000** insert—

"(4) The Juries Commissioner, in the Commissioner's discretion, may exempt a person or class of persons from being summoned if, in the Commissioner's opinion, there is good cause to do so based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (5) In deciding whether there is good cause to make an exemption under subsection (4), the Juries Commissioner—

(a) may consult with the Chief Health Officer within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**; and

(b) may make any enquiries and request any documents or other information the Commissioner considers necessary to determine whether a person or class of persons should be exempt from being summoned for good cause based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (6) If the Juries Commissioner exempts a person or a class of persons under subsection (4), the Commissioner must notify the person or any person who belongs to that class of persons about the exemption.

- (7) The Juries Commissioner—

(a) is not required to issue a summons to a person or class of persons exempted under subsection (4); and

(b) may recall and cancel any summons issued to a person who is exempted under subsection (4) after the issue of a summons to that person, whether the summons was issued before, on or after the commencement of this subsection and regardless of when the decision to exempt is made.

- (8) An exemption under subsection (4) may be made at any time before a person becomes a member of a panel.

- (9) For the avoidance of doubt, a person cannot waive an exemption made under subsection (4)."

**30C Obligation to answer questions or produce document**

In section 68(2) of the **Juries Act 2000**, after "jury service" insert ", whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)".

**30D New section 101 inserted**

After section 100 of the **Juries Act 2000** insert—

**"101 Repeal of powers to exempt from being summoned**

- (1) On 26 October 2022—

- (a) in section 20(1), **omit** "or whether the person may be exempted under section 27(4) from being summoned for jury service";
- (b) in section 27, subsections (4) to (9) are **repealed**;
- (c) in section 68(2), **omit** ", whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)".

(2) This section is **repealed** on 27 October 2022.".'

#### AMENDMENT OF LONG TITLE

5. Long Title, after "other Acts" insert ", to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt persons or classes of person from being summoned for jury service".

#### Amendments to Ms Symes' amendments circulated by Dr Bach

1. In proposed clause 30D, in proposed section 101(1) of the **Juries Act 2000**, omit "26 October" and insert "28 February".
2. In proposed clause 30D, in proposed section 101(2) of the **Juries Act 2000**, omit "27 October" and insert "1 March".

#### 4. LIQUOR CONTROL REFORM AMENDMENT BILL 2021

##### Amendments circulated by Mr Grimley

1. Heading to clause 17, omit "**and 18D**" and insert ", **18D and 18E**".
2. Clause 17, page 16, after line 13 insert—
  - "(ca) keeps any prescribed records in relation to orders placed online where liquor was not delivered because to do so would contravene a provision of this Act; and".
3. Clause 17, page 19, line 14, omit 'conditions.'" and insert "conditions.".
4. Clause 17, page 19, after line 14 insert—

##### **'18E Review of section 18C**

- (1) The Minister must review the operation of section 18C to determine—
  - (a) its effectiveness in reducing the risk of harm connected with the supply and delivery of liquor through orders placed online; and
  - (b) whether it meets the objects of this Act; and
  - (c) the effect of emerging trends and technologies related to the supply of liquor through orders placed online; and
  - (d) whether any additional measures should be taken to minimise the risk of harm related to the supply of liquor through orders placed online.
- (2) A review under subsection (1) must be conducted as soon as practicable 18 months after section 18C comes into operation.
- (3) A report on the outcome of a review under subsection (1) must be tabled in each House of Parliament as soon as practicable but no later than 24 months after section 18C comes into operation.".'

5. Clause 22, line 22, omit "750" and insert "400".
6. Heading to clause 42, omit "and 109C" and insert ", 109BA, 109C and 109D".
7. Clause 42, page 31, after line 3 insert—

**"109BA Delivery person must complete approved responsible service of alcohol program**

(1) On and from 1 September 2022, the following persons must ensure that liquor is delivered by a person who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the liquor is delivered—

- (a) the licensee;
- (b) a person who is responsible under a contract for the delivery of liquor on behalf of a licensee, whether the contract is directly or indirectly with the licensee or another person.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply to a person who physically delivers the liquor unless that person is the licensee."

8. Clause 42, page 31, line 11, omit 'units.'" and insert "units."
9. Clause 42, page 31, after line 11 insert—

**'109D Licensee must not financially penalise person responsible for delivery if liquor not delivered to intoxicated persons, etc.**

(1) A licensee who supplies liquor by an order placed online must not financially penalise the person responsible for the delivery of the liquor if the person responsible for the delivery refused to deliver the liquor on the grounds that—

- (a) the person who placed the order is intoxicated or there is a substantial risk of intoxication in respect of that person; or
- (b) the delivery person was unable to comply with the requirements of section 18C(2)(b), (2)(c), (3A)(d) or (3A)(e); or
- (c) to do so would contravene section 119A.

Penalty: 120 penalty units.

(2) In this section—

*financially penalise* includes withholding or delaying payment or commission, a reduction in hours of employment, or any other action which has a negative financial impact."

**Amendments circulated by Mr Meddick (co-sponsored by Mr Barton)**

1. Clause 4, after line 4 insert—

**"commercial passenger vehicle service** has the same meaning as in the **Commercial Passenger Vehicle Service Industry Act 2017**;

2. Clause 4, line 5, omit "'family'" and insert "family".

3. Clause 8, page 7, after line 16 insert—

"(cda) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—

- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (cdb) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (cdc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

4. Clause 10, page 9, after line 11 insert—

- "(dda) the condition that any liquor supplied with a delivery adult meal on the same day that the order is placed must not be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (ddb) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (ddc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

5. Clause 11, page 10, after line 18 insert—

- "(ca) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (cb) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (cc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

## 6. Clause 12, page 11, after line 14 insert—

- "(cca) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (ccb) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (ccc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

## 7. Clause 13, page 12, after line 32 insert—

- "(dda) in the case of a late night (general) licence or a late night (packaged liquor licence), the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (ddb) in the case of a late night (general) licence or a late night (packaged liquor licence), the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (ddc) in the case of a late night (general) licence or a late night (packaged liquor licence), the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

## 8. Clause 14, page 14, after line 14 insert—

- "(da) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (db) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—

- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (dc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

9. Clause 15, page 15, after line 7 insert—

- "(cca) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by any person who is not—
- (i) the licensee; or
  - (ii) a person employed by the licensee who has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which the person delivers the liquor; and
- (ccb) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not allow liquor to be delivered by—
- (i) a food delivery service provider or an employee or a person acting on behalf of a food delivery service provider; or
  - (ii) use of a commercial passenger vehicle service; and
- (ccc) the condition that, if liquor is being delivered on the same day that the order is placed, the licensee must not approach or engage, whether formally or by inducement, a food delivery service provider or a commercial passenger vehicle service to deliver liquor; and".

### Amendments circulated by Mr Ondarchie

1. Clause 1, page 2, lines 15 and 16, omit all words and expressions on those lines.
2. Clause 11, page 10, line 27, omit all words and expressions on this line and insert—
  - '(5) In section 10(6) of the Principal Act, for "subsection (1)" **substitute** "subsections (1), (2), (2A), (2B), (3) and (3A)".'
3. Clause 14, line 26, omit "premises—" and insert "premises during ordinary trading hours".
4. Clause 14, lines 27 to 31, omit all words and expressions on those lines.
5. Clause 57, omit this clause.
6. Clause 58, omit this clause.

#### NEW CLAUSE

7. Insert the following New Clause to follow clause 59—

#### **'59A New section 185 inserted**

After section 184 of the Principal Act **insert—**

#### **"185 Review of amendments—Liquor Control Reform Amendment Act 2021**

- (1) The Minister must review the operation of amendments made to section 9A by the **Liquor Control Reform Amendment Act 2021** in relation to the authority for licensees to supply liquor on licensed premises in sealed



containers, bottles or cans for consumption off the licenced premises during ordinary trading hours.

- (2) A review under subsection (1) must be completed no later than 3 years after the amendments are made to section 9A by the **Liquor Control Reform Amendment Act 2021**.".!

#### AMENDMENT OF LONG TITLE

8. Long title, omit ", to abolish dry areas".

#### Amendments circulated by Ms Patten

1. Clause 42, page 31, lines 8 to 10, omit "or in respect of whom there is a substantial risk of intoxication".
2. Clause 44, line 28, omit "sexual,".

#### Amendments circulated by Dr Ratnam

1. Clause 8, page 7, after line 13 insert—

"(cca) the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
2. Clause 11, page 10, after line 15 insert—

"(ba) the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
3. Clause 12, page 11, after line 11 insert—

"(cba) the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
4. Clause 13, page 12, after line 26 insert—

"(dca) in the case of a late night (general) licence or a late night (packaged liquor licence), the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
5. Clause 14, page 14, after line 11 insert—

"(ca) the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
6. Clause 15, page 15, after line 4 insert—

"(cba) the condition that the licensee must not allow liquor to be delivered until 90 minutes after the order is placed; and".
7. Clause 17, page 16, after line 11 insert—

"(ia) in the case of a restaurant and cafe licence, within ordinary trading hours only; or".
8. Clause 17, page 16, line 13, after "only" insert "and no sooner than 90 minutes after the order was placed".
9. Clause 17, page 16, lines 22 to 24, omit all words and expressions on these lines and insert—

"(a) on and from 30 June 2022, require the person who placed the order to verify that they are of or over the age of 18 years using an accredited identity service provider or another prescribed process; and".

10. Clause 17, page 17, lines 14 to 16, omit all words and expressions on these lines and insert—

"(a) on and from 30 June 2022, require the person who placed the order to verify that they are of or over the age of 18 years using an accredited identity service provider or another prescribed process; and".

11. Clause 17, page 18, after line 27 insert—

"(5) In this section—

**accredited identity service provider** means an identity service provider who has been accredited under the Trusted Digital Identity Framework published by the Digital Transformation Agency on behalf of the Commonwealth."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 132, 133, 134 and 135

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#### No. 132 — Tuesday, 16 November 2021

- 1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 3 November 2021 —
    - Education and Training Reform Amendment (Senior Secondary Pathways Reforms and Other Matters) Act 2021*
    - Forests Amendment (Forest Firefighters Presumptive Rights Compensation) Act 2021*
    - Terrorism (Community Protection) Amendment Act 2021*
    - Water and Catchment Legislation Amendment Act 2021*
  - On 9 November 2021 —
    - Liquor Control Reform Amendment Act 2021.*
- 3 **ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — The President read a letter from Mr Matthew Guy, Member for Bulleen, resigning from the Electoral Matters Committee, effective from Thursday, 28 October 2021.
- 4 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Mr Ryan Smith, Member for Warrandyte, resigning from the Scrutiny of Acts and Regulations Committee, effective from Tuesday, 16 November 2021.
- 5 **COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — CLERK'S UPDATE REPORT TO THE HOUSE** — Pursuant to paragraph (6) of an Order of the Council of 14 October 2021, and further to emails to Members on 29 October 2021, the Clerk reported to the House that Mr Limbrick and Mr Quilty had now complied with paragraph (3) of the Order and their suspensions had been lifted.
- 6 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Chief Health Officer's article on pandemic management** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 18 November 2021.
- **Investigation of injured protestor** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 18 November 2021.

- **Face to face visits for child protection** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Stitt due Thursday, 18 November 2021.
- **Carisbrook chicken shed fire** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 18 November 2021.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 PETITIONS** —

**BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately and properly resource Bush Nursing Centres, recognising the increase in operational costs and demand that these centres constantly face.

Ordered to lie on the Table.

\* \* \* \* \*

**REJECT THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Ms Bath presented a Petition bearing 11,764 signatures from certain citizens of Victoria requesting that the Legislative Council reject the flawed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

\* \* \* \* \*

**TRAVEL EXEMPTIONS FOR COVID-19 VACCINATED GRANDPARENTS** — Ms Crozier presented a Petition bearing 88 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to grant travel exemption permits for grandparents who are fully vaccinated against COVID-19 so that they can travel interstate for care-giving purposes.

Ordered to lie on the Table.

\* \* \* \* \*

**PROPOSED TRAIN STABLING IN HEATHERTON** — Mr Hayes presented a Petition bearing 423 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to be transparent in the decision-making process for the proposed train stabling site in Heatherton, to take into consideration the wishes of the City of Kingston residents and find an alternative location for the train stabling site, even if it is more costly.

Ordered to lie on the Table.

\* \* \* \* \*

**REDUCE THE NOISE POLLUTION FROM TRAIN HORNS** — Dr Ratnam presented a Petition bearing 1,523 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reduce the noise pollution caused by excessive use of train horns by providing fencing along railway tracks or alternative means for safety.

Ordered to lie on the Table.

**9 ROAD SAFETY AMENDMENT (HOON EVENTS) BILL 2021** — Mr Grimley introduced *A Bill for an Act to amend the Road Safety Act 1986 in relation to events involving hoon driving and for other purposes.*

On the motion of Mr Grimley, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**10 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 15 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**20<sup>TH</sup> REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the

report on 29 October 2021, the Clerk laid on the Table a copy of the 20<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

\* \* \* \* \*

**VICTORIAN BUDGET 2021-22 QUARTERLY FINANCIAL REPORT NO. 1** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, and following the transmission of the report on 12 November 2021, the Clerk laid on the Table a copy of the Victorian Budget 2021-22 Quarterly Financial Report No. 1.

\* \* \* \* \*

**PARLIAMENTARY BUDGET OFFICE REPORT, 2020-21** — Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, Ms Taylor, on behalf of the Public Accounts and Estimates Committee, presented the Parliamentary Budget Office Report, 2020-21.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Conservation, Forests and Lands Act 1987 — Variation of the Code of Practice for Timber Production 2014 (No.1/2021).

Crown Land (Reserves) Act 1978 — Minister's Order of 25 August 2020 giving approval to the granting of a lease at Wycheproof Public Park Reserve.

Emergency Services and Superannuation Scheme (ESSS) — Actuarial investigation as at 30 June 2021.

Essential Services Commission — Report, 2020-21.

Financial Management Act 1994 —

Explanation from the Minister for Planning under section 46(3)(a) of the Act, for the delay of the Surveyors Registration Board of Victoria Report, 2020-21.

Explanation from the Minister for Tourism, Sport and Major Events under section 46(3)(a) of the Act, for the delay of the Emerald Tourist Railway Board Report, 2020-21.

Interpretation of Legislation Act 1984 — Notice under section 32(3) of the Act in relation to Statutory Rule No. 123 (*Gazette No. G42, 21 October 2021*).

Land Tax Act 2005 — Treasurer's report of Land Tax Absentee Owner Surcharge Exemptions for 2020-21, under section 3BB of the Act.

Melbourne and Olympic Parks Trust — Report, 2020-21.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C60 (Parts 1 and 2).

Ballarat, Greater Bendigo, Mornington Peninsula, Nillumbik and South Gippsland Planning Schemes — Amendment GC179.

Banyule Planning Scheme — Amendment C163.

Boroondara Planning Scheme — Amendments C308 and C364.

Frankston Planning Scheme — Amendment C151.

Glen Eira Planning Scheme — Amendment C192.

Greater Shepparton Planning Scheme — Amendment C205.

Hepburn Planning Scheme — Amendment C86.

Hume Planning Scheme — Amendment C251.

Knox Planning Scheme — Amendments C180 and C193.

Melbourne Planning Scheme — Amendments C388 and C414.

Moonee Valley Planning Scheme — Amendment C222.

Moreland Planning Scheme — Amendment C180.

Warrnambool Planning Scheme — Amendment C202.

Yarra Ranges Planning Scheme — Amendment C158 (Part 2).

Professional Standards Act 2003 — The Institute of Public Accountants Professional Standards Scheme, of 27 October 2021, under section 14 of the Act (*Gazette No. S598, 27 October 2021*).

Statutory Rules under the following Acts of Parliament —

Environment Protection Act 2017 — Nos. 131 and 132.

Liquor Control Reform Act 1998 — No. 130.

Public Health and Wellbeing Act 2008 — No. 129.

- Service Victoria Act 2018 — No. 133.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 130 to 132, 134 and 137.  
 Legislative instruments and related documents under section 16B in respect of —  
 The Institute of Public Accountants Professional Standards Scheme, of  
 26 October 2021, under the Professional Standards Act 2003.  
 Variation of the Code of Practice for Timber Production 2014 (No.1/2021), of  
 1 November 2021, under the Conservation, Forests and Lands Act 1987.  
 Victims' Charter Act 2006 — Final Report on Improving victims' experience of summary  
 proceedings, under section 21A of the Act.  
 Victorian Funds Management Corporation (VFMC) — Report, 2020-21 (*in lieu of that tabled  
 on 28 October 2021*).  
 Victorian Law Reform Commission — Report on Improving the Justice System Response to  
 Sexual Offences, September 2021 (*Ordered to be published*).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021 — Part 3 — 26 October 2021 (*Gazette No. S596, 26 October 2021*).

**11 BUSINESS OF THE COUNCIL** — Ms Patten moved, by leave, That precedence be given to the following General Business on Wednesday, 17 November 2021 —

- (1) the notice of motion given this day by Mr Davis on the Independent Broad-based Anti-corruption Commission's Operation Watts Investigation;
- (2) Order of the Day No. 41, resumption of debate on a motion on the West Gate Tunnel Project;
- (3) Order of the Day No. 2, resumption of debate on the Local Government Amendment (Rates and Charges) Bill 2021;
- (4) the notice of motion given this day by Ms Maxwell on family violence;
- (5) Notice of Motion No. 654 standing in the name of Ms Patten on Loneliness; and
- (6) the notice of motion given this day by Dr Ratnam on Sessional Orders to introduce formal pairing arrangements.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Pursuant to Standing Order 14.34, Ms Symes declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Symes moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

The second reading speech was incorporated into Hansard.

Ms Symes moved, That the Bill be now read a second time.

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis (*DD86C*) and Ms Symes (*JS28C*) were circulated.

Mr Rich-Phillips moved, That debate be adjourned until the Scrutiny of Acts and Regulations Committee, pursuant to section 33 of the *Parliamentary Committees Act 2003*, have inquired into, considered and reported, by Tuesday, 30 November 2021, on this Bill and that as part of their investigation the Committee must seek public submissions and hold public hearings.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the debate be adjourned until the Scrutiny of Acts and Regulations Committee, pursuant to section 33 of the *Parliamentary Committees Act 2003*, have inquired into, considered and reported by, Tuesday, 30 November 2021, on this Bill and that as part of their investigation the Committee must seek public submissions and hold public hearings — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Debate continued on the question, That the Bill be now read a second time.

*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.]*

Debate continued.

Mr Bourman moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn until representatives from every party and independent Members in the Legislative Council have been fully consulted on the contents of the Bill.”.

Debate ensued.

Mr Ondarchie moved, That the debate on this Bill be adjourned until 1 December 2021.

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the debate on this Bill be adjourned until 1 December 2021 — put.

The Council divided — The President in the Chair.

## AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Cumming (CC14C) were circulated.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Stitt declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.



Question — That the reasoned amendment moved by Mr Bourman be agreed to — put.  
The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time.

Mr Davis moved, That the Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report within seven days.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report within seven days — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved, That the Bill be committed to a Committee of the whole on the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

**14 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 11.27 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 133 — Wednesday, 17 November 2021

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITIONS** —

**SOUND WALL FOR DINGLEY BYPASS AT KARKAROOK PARK, HEATHERTON** — Dr Kieu presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to construct a sound wall on the southern side of the Dingley Bypass for a 500-metre stretch where it abuts Karkarook Park in Heatherton, and provide appropriate vegetation as additional sound absorption, visual appeal and an undisturbed habitat for small birds.

Ordered to lie on the Table.

\* \* \* \* \*

**CEASE GROUND AND AERIAL BRUMBY SHOOTING** — Mrs McArthur presented a Petition bearing 1,154 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abandon any action that utilises ground or aerial shooting of wild horses and introduce legislation to protect and conserve wild living brumby mobs which should involve a community advisory panel to provide guidance on retention of sustainable brumby mobs in National Parks with agreed numbers to be removed systematically with adequate time for rehoming and public adoption.

Ordered to lie on the Table.

**3 PAPERS —**

**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE PERFORMANCE OF VICTORIAN INTEGRITY AGENCIES 2019/20** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Shing presented a Report from the Integrity and Oversight Committee on the Inquiry into the performance of Victorian integrity agencies 2019/20 (including an Appendix), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Shing moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**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 —

the Annual Financial Report of the State of Victoria: 2020-21, November 2021 (*Ordered to be published*).

Supplying and Using Recycled Water, November 2021 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 129.

**4 TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That the temporary order agreed to on 7 September 2021 relating to ringing the bells when a Member is not in the Chamber when called on be rescinded, effective immediately.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION WATTS INVESTIGATION** — Dr Bach (for Mr Davis) moved, That this House —

(1) notes that —

(a) the Independent Broad-based Anti-corruption Commission's (IBAC) investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament, is known as Operation Watts;

(b) at the public hearing held on 1 November 2021, the Counsel assisting Mr Chris Carr SC, stated that lawyers for IBAC had requested documents from the Australian Labor Party (ALP), including a statement addressing various issues, but had been rebuffed;

(2) further notes that Mr Carr commented in the public hearing that "...unfortunately, so far, the solicitors for the Victorian Branch of the ALP have declined the request to provide that assistance ... The issue will be further pursued by solicitors on behalf of IBAC in the coming days, and it is to be hoped that the Victorian Branch of the ALP will cooperate by providing such information voluntarily ... However, obviously, if that voluntary process is not productive, it will be necessary for such evidence to be obtained through compulsory processes...";

(3) calls on the ALP Victorian branch to co-operate fully with IBAC's requests; and

(4) further calls on the Premier, the Hon Daniel Andrews MP, to instruct the ALP Victorian branch to provide all requested documents expeditiously to IBAC.

Debate ensued.

Question — put and agreed to

**7 WEST GATE TUNNEL PROJECT** — Debate resumed on the question, That this House —

(1) notes the material released in August 2021 by Transurban on the West Gate Tunnel (WGT) Project to investors, including that —

(a) tunnelling has not commenced as a result of disputes arising between the project parties;

(b) project completion in 2023 is no longer achievable and, due to continued uncertainty in relation to the resolution of commercial matters and timing for commencement of

tunnelling, a further update on the expected project completion date cannot be provided at this stage;

- (c) the contracted total cost of the project was \$6.7 billion, with estimates of additional costs to complete the project differing among project parties and remaining uncertain, however based on preliminary independent analysis, Transurban estimates the D&C subcontractors' construction costs could increase by \$3.3 billion, with the D&C subcontractors' claims being higher;
- (d) in order to reach a commercial settlement, Transurban believes all project parties would be required to make a meaningful financial contribution;
- (2) further notes the WGT Project, a Transurban market led proposal, was signed in December 2017 and was subject to a report by the Victorian Auditor-General;
- (3) further notes the mismanagement of the WGT Project by the Andrews Labor Government, a project that is now late, over budget and the subject of legal dispute;
- (4) insists that the State Government pay no more than the contracted amount and not further extend any toll concession; and
- (5) calls for a pause on the collection of WGT related tolls levied on existing CityLink roads.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2 and Notices of Motion, General Business, Nos. 676 and 654, be postponed until later this day.

- 9 SESSIONAL ORDERS — FORMAL PAIRING ARRANGEMENTS** — Dr Ratnam moved, That until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order come into effect on the next day of meeting:

**1. Formal pairing arrangements**

After Standing Order 16.06 insert:

The following formal pairing arrangement may take place in addition to any informal pairing arrangement in relation to a division on any question —

- (1) a vote pair may be requested and granted between two Members of the crossbench and/or other parties;
- (2) a vote pair may be formally recognised only if a division eventuates in relation to the question put;
- (3) a vote pair will be recorded in the Minutes of Proceedings and Hansard only when both Members that have entered into the vote pair arrangement on a question have notified the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)), no later than 30 minutes before the vote has occurred in the House or in Committee of the whole, that they have agreed to a vote pair and they did not formally vote on the question; and
- (4) any dispute arising, at any time before the Clerk publishes the weekly Minutes of the Proceedings, will be determined by the Clerk who may alter any record of pairs accordingly.

Debate ensued.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Higher education funding** — substantive question asked by Ms Patten — response from Ms Tierney due Thursday, 18 November 2021.
- **Commercial passenger vehicle safety standards** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 November 2021.
- **Fuel reduction targets** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Friday, 19 November 2021.
- **Minister meeting availability** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 18 November 2021.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 SESSIONAL ORDERS — FORMAL PAIRING ARRANGEMENTS** — Debate continued on the question, That until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order come into effect on the next day of meeting:

**1. Formal pairing arrangements**

After Standing Order 16.06 insert:

The following formal pairing arrangement may take place in addition to any informal pairing arrangement in relation to a division on any question —

- (1) a vote pair may be requested and granted between two Members of the crossbench and/or other parties;
- (2) a vote pair may be formally recognised only if a division eventuates in relation to the question put;
- (3) a vote pair will be recorded in the Minutes of Proceedings and Hansard only when both Members that have entered into the vote pair arrangement on a question have notified the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)), no later than 30 minutes before the vote has occurred in the House or in Committee of the whole, that they have agreed to a vote pair and they did not formally vote on the question; and
- (4) any dispute arising, at any time before the Clerk publishes the weekly Minutes of the Proceedings, will be determined by the Clerk who may alter any record of pairs accordingly.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

**13 COERCIVE AND CONTROLLING BEHAVIOUR IN FAMILY VIOLENCE OFFENDING** — Ms Maxwell moved, That this House —

- (1) recognises —
  - (a) the prevalence of coercive control in family violence offending;
  - (b) that perpetrators of family violence may offend against multiple family members and intimate partners;
  - (c) that disclosure of relevant information about the criminal history of a perpetrator is a key indicator in family violence risk assessment and management;
- (2) calls on the Government to —
  - (a) review legislative and procedural frameworks in relation to family violence to consider how evidence of coercive and controlling behaviour is available to illustrate the experience of family violence; and
  - (b) consider the suite of initiatives and opportunities available to enhance the understanding of coercive and controlling behaviour in our community and the justice system.

Debate ensued.

Question — put and agreed to.

**14 LONELINESS** — Ms Patten moved, That this House notes that —

- (1) loneliness has emerged as one of the most serious public health challenges being faced around the world;
  - (2) loneliness is a better predictor of premature death than physical inactivity, obesity or smoking 15 cigarettes a day;
  - (3) lonely Australians have significantly worse health status than Australians who do not experience loneliness;
  - (4) according to the 2018 Australian Loneliness Report, amongst Australian adults, one in four are lonely, nearly 30 per cent rarely or never feel part of a group of friends and 22 per cent rarely or never feel like they have someone to talk to;
  - (5) the 2019 Young Australians Loneliness Survey found that more than half of young Australians felt lonely sometimes or always;
  - (6) loneliness was a growing health challenge before COVID-19, but has been exacerbated by it;
  - (7) one in two Australian residents reported feeling lonelier since 2019, with those who reported feeling more lonely also reporting more depression and higher social anxiety;
  - (8) addressing loneliness is integral to Victoria's COVID-19 recovery;
  - (9) in 2018 the United Kingdom government appointed a dedicated Minister for Loneliness and published the world's first loneliness strategy;
  - (10) in January 2020, the first Loneliness Annual Report outlined progress in the United Kingdom as a result of 60 commitments made in 2018 in establishing that ministry;
- and calls on the Victorian Government to create a dedicated ministerial portfolio for Loneliness.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**15 COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — CLERK'S UPDATE REPORT TO THE HOUSE** — Pursuant to paragraph (6) of an Order of the Council of 14 October 2021, and further to an email to Members today, the Clerk reported to the House that Mr Somyurek has now met the requirements of paragraph (3) of the Order and his suspension has been lifted.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —*

**16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**17 TEMPORARY ORDER — ORDER OF BUSINESS ON WEDNESDAYS AND FRIDAYS** — Ms Symes moved, That the following temporary order come into effect on Friday, 19 November 2021, and remain in place until Friday, 31 December 2021, unless the House resolves otherwise —

**1. Order of Business**

The Order of Business on Wednesday will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 12.00 noon** Questions

Constituency Questions (up to 15 Members)

General Business (continues)

**At 6.45 p.m.** Statements on reports, papers and petitions (30 minutes)**At 7.15 p.m.** Adjournment (up to 20 Members)

Upon any interruption of business under this temporary order, Standing Order 4.08 relating to the extension of sitting will apply and unless otherwise ordered by the Council, the Order of Business on Friday will be —

Messages

Formal Business

Government Business

**At 12.00 noon** Questions

Constituency Questions (up to 15 Members)

Government Business (continues)

**At 4.00 p.m.** Adjournment (maximum 30 minutes).

Debate ensued.

Question — put and agreed to.

**18 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.28 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council***No. 134 — Thursday, 18 November 2021**

**1** The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITIONS** —

**BREAST SCREENING PROGRAM** — Ms Crozier presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**PROPOSED WASTE-TO-ENERGY FACILITY AT LARA** — Mr Grimley presented a Petition bearing 232 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Planning Application 1004200 from Prospect Hill International is not approved until community concerns are fully addressed, an Environmental Effects Statement is undertaken, the Department of Environment, Land, Water and Planning finalises the waste-to-energy framework, all other recycling and waste diversion options are investigated and agreements are put in place with local authorities in relation to feedstock, water usage and energy offtake.

Ordered to lie on the Table.

\* \* \* \* \*

**NO MANDATORY VACCINATIONS OR VACCINE PASSPORTS** — Mr Limbrick presented a Petition bearing 2,315 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abandon mandatory vaccinations and the development of vaccination passports that would give agencies, businesses, organisations and individuals the right to limit access to goods and services according to COVID-19 vaccination status.

Ordered to lie on the Table.

**OPPOSE THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Ms Lovell presented a Petition bearing 1,969 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

\* \* \* \* \*

**ALLOW APARTMENT RESIDENTS TO MOVE IN AND OUT FREELY** — Dr Ratnam presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ban owners corporations and private building managements from imposing rules on apartment tenants that limit their ability to move in and out of managed properties.

Ordered to lie on the Table.

### 3 PAPERS —

**CHILDREN'S COURT OF VICTORIA REPORT, 2020-21** — Ms Symes presented, by Command of the Governor, the Children's Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

\* \* \* \* \*

**COUNTY COURT OF VICTORIA REPORT, 2020-21** — Ms Symes presented, by Command of the Governor, the County Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT OF VICTORIA REPORT, 2020-21** — Ms Symes presented, by Command of the Governor, the Magistrates' Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

\* \* \* \* \*

**SUPREME COURT OF VICTORIA REPORT, 2020-21** — Ms Symes presented, by Command of the Governor, the Supreme Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

\* \* \* \* \*

**JUDICIAL COLLEGE OF VICTORIA REPORT, 2020-21** — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**JUDICIAL COMMISSION OF VICTORIA REPORT, 2020-21** — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial Commission of Victoria Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**PROFESSIONAL STANDARDS COUNCILS REPORT, 2020-21** — Ms Symes moved, by leave, That there be laid before this House a copy of the Professional Standards Councils Report, 2020-21, incorporating the Victorian Professional Standards Council Financial Statements for the Year Ended 30 June 2021.

Question — put and agreed to.

The Reports were presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**2020-21 SUSTAINABILITY FUND ACTIVITIES REPORT** — Mr Leane moved, by leave, That there be laid before this House a copy of the 2020-21 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.



**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA** — Pursuant to Standing Order 23.29, Ms Terpstra presented a Report from the Environment and Planning Committee on the Inquiry into the health impacts of air pollution in Victoria (including an Appendix, 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.

Ms Terpstra moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Albury Wodonga Health — Report, 2020-21.

Alexandra Health Service — Report, 2020-21.

Alpine Health — Report, 2020-21.

Alpine Resorts Co-ordinating Council — Report, 2020-21.

Australian Health Practitioner Regulation Agency — Report, 2020-21.

Ballarat Health Services — Report, 2020-21.

Barwon Health — Report, 2020-21.

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.

Bass Coast Health — Report, 2020-21.

Beechworth Health Service — Report, 2020-21.

Benalla Health — Report, 2020-21.

Boort District Health — Report, 2020-21.

Casterton Memorial Hospital — Report, 2020-21.

Castlemaine Health — Report, 2020-21.

Central Gippsland Health Service — Report, 2020-21.

Central Highlands Rural Health — Report, 2020-21.

Cladding Safety Victoria — Report, 2020-21.

Cohuna District Hospital — Report, 2020-21.

Colac Area Health — Report, 2020-21.

Commissioner for Environmental Sustainability — Minister's report of receipt of the 2020-21 report.

Community Visitors — Report, 2020-21 (*Ordered to be published*).

Confiscation Act 1997 — Report, 2020-21, by the Chief Commissioner of Victoria Police, under section 139A of the Act.

Corryong Health — Report, 2020-21.

Country Fire Authority (CFA) — Report, 2020-21.

Court Services Victoria — Report, 2020-21.

Crimes (Assumed Identities) Act 2004 — Reports, 2020-21, under section 31 of the Act, by —

Australian Criminal Intelligence Commission.  
Victoria Police.

Djerriwarrh Health Services — Report, 2020-21.

East Grampians Health Service — Report, 2020-21.

East Wimmera Health Service — Report, 2020-21.

Fire Rescue Victoria (FRV) — Report, 2020-21.

Fire Rescue Victoria Act 1958 —

Fire Services Implementation Monitor — Report 2020-21 – Year one: Setting the foundations, under section 142 of the Act.

Year Two to Five Fire Services Reform Implementation Plan, November 2021.

Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2020-21.

Game Management Authority — Report, 2020-21 (*in lieu of that tabled on 28 October 2021*).

- Goulburn Valley Health (GVHealth) — Report, 2020-21.
- Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Great Ocean Road Coast and Parks Authority — Report, 2020-21.
- Great Ocean Road Health — Report, 2020-21.
- Heathcote Health — Report, 2020-21.
- Heritage Council of Victoria — Minister's report of receipt of the 2020-21 report.
- Hesse Rural Health Service — Report, 2020-21.
- Heywood Rural Health Service — Report, 2020-21.
- Inglewood and Districts Health Service — Report, 2020-21.
- Judicial Entitlements Act 2015 — Judicial Entitlements Panel's Own Motion Recommendations to the Attorney-General Report, September 2021, under section 33 of the Act.
- Kerang District Health — Report, 2020-21.
- Kilmore District Health — Report, 2020-21.
- Kyabram District Health Service — Report, 2020-21.
- Legal Profession Uniform Law Application Act 2014 —  
Practitioner Remuneration Order 2021 (*in lieu of that tabled on 10 November 2020*).  
Practitioner Remuneration Order 2022.
- Local Jobs First — Report, 2020-21.
- Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Maldon Hospital — Report, 2020-21.
- Mansfield District Hospital — Report, 2020-21.
- Mildura Base Public Hospital — Report, 2020-21.
- Mildura Cemetery Trust — Minister's report of receipt of the 2020-21 report.
- Moyne Health Services — Report, 2020-21.
- National Health Funding Pool — Victoria State Pool Account, Administrator of —  
Report, 2020-21.
- National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2020-21.
- NCN Health (Nathalia Cobram Numurkah) — Report, 2020-21.
- North East Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Northeast Health Wangaratta — Report, 2020-21.
- Office of the Public Advocate — Report, 2020-21 (*Ordered to be published*).
- Omeo District Health — Report, 2020-21.
- Orbost Regional Health — Report, 2020-21.
- Peninsula Health — Report, 2020-21.
- Portland District Health — Report, 2020-21.
- Radiation Advisory Committee — Report, 2020-21.
- Royal Botanic Gardens Board Victoria — Report, 2020-21.
- Rural Northwest Health — Report, 2020-21.
- Seymour Health — Report, 2020-21.
- South Gippsland Hospital — Report, 2020-21.
- South West Healthcare — Report, 2020-21.
- Stawell Regional Health — Report, 2020-21.
- Subordinate Legislation Act 1994 — Documents under section 15 in relation to —  
Statutory Rule Nos. 135, 136 and 138.  
Order approving the First Aid in the Workplace Compliance Code, of 26 October 2021,  
under the Occupational Health and Safety Act 2004.  
Order Declaring Certain Motor Vehicles Not to Be Motor Vehicles — Electric Scooter Trial,  
of 29 October 2021, under the Road Safety Act 1986.
- Surveillance Devices Act 1999 — Reports, 2020-21, under section 30L of the Act, by —  
Department of Environment, Land, Water and Planning.  
Independent Broad-based Anti-corruption Commission.  
Victorian Fisheries Authority.

Swan Hill District Health — Report, 2020-21.  
 Tallangatta Health Service — Report, 2020-21.  
 Terang and Mortlake Health Service — Report, 2020-21.  
 Terrorism (Community Protection) Act 2003 — Report, 2020-21, by Victoria Police, under section 37F of the Act.  
 Timboon and District Healthcare Service — Report, 2020-21.  
 Tweddle Child and Family Health Service — Report, 2020-21.  
 VicForests — Report, 2020-21.  
 Victorian Legal Aid — Report, 2020-21.  
 Victorian Assisted Reproductive Treatment Authority (VARTA) — Minister's report of receipt of the 2020-21 report, together with an explanation for the delay.  
 Victorian Building Authority — Report, 2020-21.  
 Victorian Civil and Administrative Tribunal (VCAT) — Report, 2020-21.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2020-21 (*Ordered to be published*).  
 Victorian Law Reform Commission — Report, 2020-21 (*Ordered to be published*).  
 Victorian Pharmacy Authority — Minister's report of receipt of the 2020-21 report.  
 Victorian Planning Authority — Report, 2020-21.  
 West Gippsland Healthcare Group — Report, 2020-21.  
 West Wimmera Health Service (WWHS) — Report, 2020-21.  
 Western District Health Service — Report, 2020-21.  
 Wimmera Health Care Group — Report, 2020-21.  
 Yarram and District Health Service — Report, 2020-21.  
 Yarrawonga Health — Report, 2020-21.  
 Yea and District Memorial Hospital — Report, 2020-21.  
 Yorta Yorta Traditional Owner Land Management Board —  
 Minister's report of receipt of the 2018-19 report, together with an explanation for the delay.  
 Minister's report of receipt of the 2019-20 report, together with an explanation for the delay.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 BUSINESS POSTPONED** — Ms Taylor moved, That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(*Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020*)

Question agreed to.

**6 WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Davis were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

- 7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Firearms record keeping** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 22 November 2021.
- **Money laundering in the property market** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 November 2021.
- **Rideshare – sexual assault and misconduct** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 22 November 2021.
- **Cladding Safety Victoria funding** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Monday, 22 November 2021.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 9 WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021** — Debate continued on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 10 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 2010 in relation to exceptions in respect of religion, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009 in relation to disclosure obligations and applications for orders relating to non-disclosure, to amend the Magistrates' Court Act 1989, the Supreme Court Act 1986, the Constitution Act 1975 and other Acts in relation to dual commission holders, to amend the Criminal Procedure Act 2009 and the Victims' Charter Act 2006 in relation to sentence indications, to amend the Personal Safety Intervention Orders Act 2010 in relation to applications for personal safety intervention orders, to amend the Children, Youth and Families Act 2005 in relation to the Family Division of the Children's Court and to amend the Criminal Procedure Act 2009 and the Family Violence Protection Act 2008 in relation to giving evidence remotely in certain proceedings and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 12 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend Victorian casino and gambling legislation to implement recommendations of the Royal Commission into the Casino Operator and Licence, strengthen the oversight and regulation of casino operators and establish the Victorian Gambling and Casino Control Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 13 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to introduce a circular economy in Victoria, to provide for the Head, Recycling Victoria, to provide for a regulatory framework for waste, recycling or resource recovery services, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 7.50 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 135 — Friday, 19 November 2021

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 132 (*Gazette No. G46, 18 November 2021*).
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
    - Bayside Planning Scheme — Amendment C183.
    - Greater Geelong Planning Scheme — Amendment C425.
    - Hume Planning Scheme — Amendment C252.
    - Moonee Valley Planning Scheme — Amendment C223.
    - Moreland Planning Scheme — Amendment C214.
    - Mornington Peninsula Planning Scheme — Amendment C283.
    - Pyrenees Planning Scheme — Amendment C44.
    - Yarra Planning Scheme — Amendment C298.
    - Yarriambiack Planning Scheme — Amendment C23.
  - Statutory Rules under the following Acts of Parliament —
    - Control of Weapons Act 1990 — No. 138.
    - Petroleum Act 1998 — No. 139.
    - Water Act 1989 — No. 140.
- 3 **TEMPORARY ORDERS — DEFINITION OF THE CHAMBER** — Ms Symes moved, by leave, That the temporary order agreed to on 7 September 2021 relating to the definition of the Chamber be rescinded, effective immediately.  
Question — put and agreed to.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 683, be postponed until later this day.
- 5 **EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — 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 Dr Bach), the debate was adjourned for two weeks.
- 6 **JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021** — 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 (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.  
Ms Symes moved, That the Bill be now read a second time.  
Ms Symes made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
Mr Ondarchie (for Dr Bach) moved, That the debate be adjourned for two weeks.  
Ms Symes moved as an amendment, That all the words after “That” be **omitted** and replaced with the words “the debate be adjourned for one week.”.  
Debate ensued.  
Question — That the amendment moved by Ms Symes be agreed to — put and agreed to.  
Question — That the motion, amended as follows, be agreed to — That the debate be adjourned for one week — put and agreed to.

- 7 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021** — 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 (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Symes moved, That the Bill be now read a second time.

Ms Symes made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 8 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021** — 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 Davis), the debate was adjourned for one week.

- 9 VICTORIAN COLLABORATIVE CENTRE FOR MENTAL HEALTH AND WELLBEING BILL 2021** — 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.

- 10 SPECIAL INVESTIGATOR BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 17 November 2021* —

- 11 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:

- **West Gate tunnel soil contamination** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Tuesday, 23 November 2021.
- **City of Melbourne weekend foot traffic** — substantive and supplementary questions asked by Mr Davis — response from Mr Leane due Monday, 22 November 2021.
- **Ear tagging for rescue animals** — substantive question asked by Mr Meddick — response from Ms Tierney due Tuesday, 23 November 2021.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 13 SPECIAL INVESTIGATOR BILL 2021**— Debate continued on the question, That the Bill be now read a second time.

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.

- 14 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 30 November 2021.

Question — put and agreed to.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 2.05 p.m., adjourned until Tuesday, 30 November 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 132, 133, 134 and 135

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### WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021

*Committed Thursday, 18 November 2021*

*Suggested amendments circulated: Mr Davis (pp. 993-1002), Dr Ratnam (p. 1002)*

**Clause 1** — Mr Davis moved Suggested Amendment Nos. 1 to 3.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — no question put pursuant to Standing Order 14.15(2).

**Clauses 2 to 4** — no question put pursuant to Standing Order 14.15(2).

**Clause 5** — put and agreed to.

**Clauses 6 to 8** — no question put pursuant to Standing Order 14.15(2).

**Clause 9** — Mr Davis moved Suggested Amendment Nos. 4 and 5.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 9 — no question put pursuant to Standing Order 14.15(2).

**Clause 10** — Mr Davis moved Suggested Amendment No. 6.

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 10 — no question put pursuant to Standing Order 14.15(2).

**Clauses 11 to 25** — no question put pursuant to Standing Order 14.15(2).

**Clause 26** — put and agreed to.

**Clause 27** — Mr Davis moved Suggested Amendment Nos. 7 to 9.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 27 — no question put pursuant to Standing Order 14.15(2).

**Clauses 28 to 35** — no question put pursuant to Standing Order 14.15(2).

**New Part Heading and New Clause** — Mr Davis moved Suggested Amendment Nos. 16 and 17.

Question — That the suggested New Part Heading and New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 36 to 38** — no question put pursuant to Standing Order 14.15(2).

**Clause 39** — Mr Davis moved Suggested Amendment Nos. 18 and 19 — put and negated.

Clause 39 — no question put pursuant to Standing Order 14.15(2).

**Clause 40** — Mr Davis moved Suggested Amendment Nos. 26 and 27 — put and negated.

Clause 40 — no question put pursuant to Standing Order 14.15(2).

**Clauses 41 and 42** — no question put pursuant to Standing Order 14.15(2).

**Clause 43** — put and agreed to.

**New Clause** — Mr Davis moved Suggested Amendment No. 28.

Question — That the suggested New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 44** — put and agreed to.

**Clauses 45 to 51** — no question put pursuant to Standing Order 14.15(2).

**Clause 52** — Mr Davis moved Suggested Amendment No. 29 — put and negated.

Clause 52 — no question put pursuant to Standing Order 14.15(2).

**Clauses 53 and 54** — no question put pursuant to Standing Order 14.15(2).

**Clause 55** — Dr Ratnam moved Suggested Amendment Nos. 1 to 4.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 55 — no question put pursuant to Standing Order 14.15(2).

**Clauses 56 to 58** — no question put pursuant to Standing Order 14.15(2).

**Clause 59** — Dr Ratnam moved Suggested Amendment Nos. 5 and 6.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 59 — no question put pursuant to Standing Order 14.15(2).

**Clauses 60 to 90** — no question put pursuant to Standing Order 14.15(2).

**New Clause** — Mr Davis moved Suggested Amendment No. 30.

Question — That the suggested New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 91 to 110** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021***Suggested Amendments circulated by Mr Davis*

1. **Suggested amendment to the Legislative Assembly—**  
Clause 1, lines 4 to 6, omit paragraph (a).
2. **Suggested amendment to the Legislative Assembly—**  
Clause 1, page 3, lines 6 and 7, omit subparagraph (vi).
3. **Suggested amendment to the Legislative Assembly—**  
Clause 1, page 3, lines 8 and 9, omit paragraph (h).
4. **Suggested amendment to the Legislative Assembly—**  
Clause 9, line 4, before "The rate" insert "(1)".
5. **Suggested amendment to the Legislative Assembly—**  
Clause 9, before line 6 insert—
  - "(2) Despite subsection (1), the amount of windfall gains tax payable on land in regional Victoria that is rezoned by a WGT event cannot exceed the amount of the growth areas infrastructure contribution that would have been payable in relation to the land under Part 9B of the **Planning and Environment Act 1987** if—
    - (a) the land were in the contribution area within the meaning of section 201RC of that Act; and
    - (b) a GAIC event within the meaning of section 201R of that Act occurred in relation to the land at the same time that the WGT event occurred.
  - (3) In this section—
 

***regional Victoria*** has the same meaning as in section 18(8) of the **First Home Owner Grant and Home Buyer Schemes Act 2000**."
6. **Suggested amendment to the Legislative Assembly—**  
Clause 10, lines 8 to 10, omit all words and expressions on these lines and insert—
 

"The ***taxable value uplift*** of land is the value uplift of the land less any of the following deductions that are applicable—

  - (a) any remediation costs incurred by the owner of the land in relation to the land;
  - (b) any holding costs incurred by the owner of the land in relation to the land;
  - (c) any deductions prescribed by the regulations."
7. **Suggested amendment to the Legislative Assembly—**  
Clause 27, after line 29 insert—
 

***property developer*** has the meaning given by section 29A;"
8. **Suggested amendment to the Legislative Assembly—**  
Clause 27, page 21, after line 4 insert—
 

***relevant property developer*** means a transferee who makes an election under section 30A(2);

***relevant property development transaction*** has the meaning given by section 30A;"
9. **Suggested amendment to the Legislative Assembly—**  
Clause 27, page 21, line 10, after "30(2)" insert "or a relevant property developer has elected to assume under section 30A(2)".

## NEW CLAUSE

10. **Suggested amendment to the Legislative Assembly—**  
After clause 29 insert—**"29A Meaning of *property developer***

- (1) For the purposes of this Part, a ***property developer*** is—
- (a) an entity that carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; or
  - (b) a person who is a close associate of an entity referred to in paragraph (a).
- (2) For the purposes of subsection (1), any activity engaged in by an entity for the dominant purpose of providing commercial premises at which the entity, or a related body corporate of the entity, will carry on business is to be disregarded for the purpose of determining whether the entity is a property developer unless that business involves the sale or leasing of a substantial part of the premises.
- (3) In this section—

***close associate*** means—

- (a) in relation to an entity that is a corporation, any of the following—
  - (i) a director or officer of the corporation or the spouse or domestic partner of such a director or officer;
  - (ii) a related body corporate of the corporation;
  - (iii) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse or domestic partner of such a person;
  - (iv) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security—the other stapled entity in relation to that stapled security;
  - (v) if the corporation is a trustee, manager or responsible entity in relation to a trust—a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
  - (vi) in relation to a corporation that is a property developer referred to in subsection (1)(a)—a person in a joint venture or partnership with the property developer for the purpose of carrying out residential or commercial development; and
- (b) in relation to an entity that is an individual, means any of the following—
  - (i) the spouse or domestic partner of the individual;
  - (ii) in relation to an individual who is a property developer referred to in subsection (1)(a)—a person in a joint venture or partnership with the property for the purpose of carrying out residential or commercial development;

***domestic partner*** of a person means a person with whom the person is in a domestic relationship;

***domestic relationship*** means—

- (a) a registered domestic relationship; or

- (b) a relationship between two persons who are not married to each other but who are living together as a couple on a genuine domestic basis (irrespective of gender);

**officer** has the same meaning as in the Corporations Act;

**related body corporate** has the same meaning as in the Corporations Act;

**stapled entity** means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

**voting power** has the same meaning as in the Corporations Act.

- (4) For the purposes of the definition of **domestic relationship** in subsection (3)—
- (a) **registered domestic relationship** has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered domestic relationship are in a domestic relationship, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

#### NEW CLAUSE

11. **Suggested amendment to the Legislative Assembly—**  
After clause 30 insert—

**"30A Meaning of relevant property development transaction**

- (1) For the purposes of this Part, a dutiable transaction is a **relevant property development transaction** if—
- (a) the transaction relates to land in respect of which a WGT event has occurred before the transaction; and
- (b) the transferee under the transaction is a property developer; and
- (c) the transferee under the transaction makes an election under subsection (2).
- (2) The transferee may elect to assume the liability to pay the whole of the deferred windfall gains tax and any accrued interest payable under this Part by making the election to the Commissioner in a form approved by the Commissioner.
- (3) An election under subsection (2) must be made on or before the date of completion of the dutiable transaction.
- (4) On completion of the dutiable transaction and acceptance by the Commissioner of an election under subsection (2)—
- (a) the transferee becomes liable to pay the whole of the deferred windfall gains tax and any accrued interest payable under this Part; and
- (b) the liability of the transferor to pay the deferred windfall gains tax and any accrued interest payable under this Part is extinguished."

12. **Suggested amendment to the Legislative Assembly—**  
Clause 31, line 30, after "transferee" insert "or relevant property developer".

13. **Suggested amendment to the Legislative Assembly—**  
Clause 32, page 25, line 2, after "transaction" insert "or a relevant property development transaction".

14. **Suggested amendment to the Legislative Assembly—**  
Clause 32, page 25, line 16, after "transaction" insert "or a relevant property development transaction".

15. **Suggested amendment to the Legislative Assembly—**  
Clause 32, page 25, after line 24 insert—

"(3) A relevant property developer must pay to the Commissioner the rolled over windfall gains tax and any accrued interest payable under this Part, within 30 days after—

- (a) a dutiable transaction occurs in relation to the WGT land; or
- (b) a relevant acquisition occurs in respect of a landholder who is the registered proprietor of the WGT land; or
- (c) the day that is 30 years after the WGT event—

whichever occurs first."

16. **Suggested amendment to the Legislative Assembly—**  
Page 27, after line 12 insert the following Part heading—

**"Part 4A—Work-in-kind agreements".**

NEW CLAUSES

17. **Suggested amendment to the Legislative Assembly—**  
Insert the following New Clauses to follow clause 35 and the heading proposed by amendment number 16—

**"35A Definitions**

In this Part—

**Victorian Planning Authority** means the Victorian Planning Authority established under section 4 of the **Victorian Planning Authority Act 2017**;

**work-in-kind agreement** means an agreement entered into in accordance with section 35B and includes that agreement as amended in accordance with section 35F.

**35B Treasurer may enter into agreements**

- (1) The Treasurer may, in accordance with this Part, enter into an agreement with a person for the provision by that person of land or works or a combination of land and works to meet the whole or part of that person's liability or expected liability to pay windfall gains tax (a **work-in-kind agreement**).
- (2) A work-in-kind agreement may be entered into with other parties in addition to the person liable to pay the windfall gains tax.

**Note**

Other parties may include another Minister or a public authority or an owner of land affected by the work-in-kind agreement.

- (3) The land or works to be provided under a work-in-kind agreement must be of the following type—

- (a) capital works for State funded public transport infrastructure;
- (b) works for transport infrastructure including walking and cycling but excluding major public transport infrastructure;
- (c) works for community infrastructure including health facilities, education facilities, regional libraries, neighbourhood houses and major recreation facilities;
- (d) works for environmental infrastructure including regional open space, trails and creek protection;
- (e) works for economic infrastructure including providing access to information and technology and infrastructure supporting the development of commerce and industry;



- (f) land and works for other infrastructure necessary or required for the establishment or maintenance of any infrastructure referred to in paragraphs (a) to (e).
- (4) A work-in-kind agreement relating to windfall gains tax must be entered into before the day on which the tax is payable.
- (5) A work-in-kind agreement relating to windfall gains tax may be entered into in conjunction with the deferral of that tax under Part 4.
- (6) Before agreeing to enter into a work-in-kind agreement, the Treasurer must consult with any other Minister that the Treasurer considers has a relevant interest in the subject matter of the agreement.

### **35C Matters to be included in a work-in-kind agreement**

- (1) A work-in-kind agreement must include the following matters—
  - (a) a description of any works to be carried out under the agreement;
  - (b) a description of the land on which any works are to be carried out under the agreement;
  - (c) a description of any land to be transferred under the agreement;
  - (d) the due date by which the agreement or any stage of the agreement is to be performed;
  - (e) the agreed value of any land to be transferred under the agreement or the agreed value of any works to be carried out under the agreement or the agreed value of the combination of both of those things (as the case requires) (the **value of the work-in-kind agreement**);
  - (f) the method or methods for calculating the value of works to be carried out under the agreement if they are only partly carried out;
  - (g) dispute resolution procedures;
  - (h) any other matters that the Treasurer thinks appropriate.
- (2) A work-in-kind agreement may include provisions setting out the circumstances in which the agreement is ended wholly or as to any part of the land affected by the agreement.

### **35D Work-in-kind agreement may contain restriction on land dealings**

- (1) A work-in-kind agreement may contain a term that restricts a person, who has entered into the agreement to meet a liability to pay windfall gains tax or another person who is a party to the agreement, from any dealing or dealings with the following land unless the person has obtained the consent of the Treasurer—
  - (a) land that is to be transferred under the agreement;
  - (b) land on which works are to be carried out under the agreement (other than Crown land);
  - (c) the whole or part of the land in respect of which the windfall gains tax is imposed.
- (2) In this section, **dealing**, in relation to land, includes entering into any sale, transaction or arrangement, or obtaining or granting any lease, licence or approval, with respect to the land, or making any improvements of a durable nature to the land, but does not include any of the following—
  - (a) a sale of any of the land to the person to whom the land is to be transferred under the work-in-kind agreement;
  - (b) any approvals relating to a plan of subdivision of the land to enable a sale of land for the purposes of paragraph (a);

- (c) any works required to be carried out on the land under the work-in-kind agreement or approvals relating to those works;
- (d) the discharging of the whole or any part of the land from any mortgage affecting that land.

**35E Copy of work-in-kind agreement must be given to Commissioner and Victorian Planning Authority**

The Treasurer must give the Commissioner and the Victorian Planning Authority a copy of a work-in-kind agreement entered into under this Part.

**35F Amendment of work-in-kind agreement**

- (1) The Treasurer may, with the agreement of the person who has entered into a work-in-kind agreement to meet a liability to pay the windfall gains tax and all other parties to the agreement, amend the agreement to vary the terms of, or the parties to, the agreement.
- (2) The Treasurer must give to the Commissioner and the Victorian Planning Authority a copy of a work-in-kind agreement amended under subsection (1).

**35G Ending of work-in-kind agreement**

- (1) The Treasurer may, with the agreement of the person who has entered into a work-in-kind agreement to meet a liability to pay the windfall gains tax and all other parties to the agreement, end a work-in-kind agreement.
- (2) The Treasurer must notify, in writing, the Commissioner and the Victorian Planning Authority of the ending of a work-in-kind agreement under subsection (1).
- (3) The power to end a work-in-kind agreement under subsection (1) is in addition to any other right that the Treasurer has to end a work-in-kind agreement in accordance with the agreement or at law.

**35H Work-in-kind agreements to be recorded by Registrar of Titles**

- (1) The Treasurer must apply to the Registrar of Titles to record a work-in-kind agreement on any folio of the Register relating to the following land (the ***land affected by the work-in-kind agreement***)—
  - (a) land that is to be transferred under the agreement;
  - (b) land on which works are to be carried out under the agreement (other than Crown land);
  - (c) the whole or part of the land in respect of which the windfall gains tax relating to the agreement is imposed.
- (2) An application must—
  - (a) be in a form approved by the Registrar of Titles; and
  - (b) be accompanied by a copy of the work-in-kind agreement.
- (3) The Registrar of Titles, on receiving an application that complies with subsection (2), may make a recording on each folio of the Register relating to land affected by the work-in-kind agreement.
- (4) After the making of a recording in the Register—
  - (a) the burden of any covenant in the work-in-kind agreement runs with the land affected by that burden; and
  - (b) the Treasurer may enforce the covenant against any person deriving title from any person who entered into the covenant as if it were a restrictive covenant despite the fact that it may be positive in nature or that it is not for the benefit of any land of the Crown.

- (5) The Treasurer must apply to the Registrar of Titles—
- (a) if an amendment is made to the work-in-kind agreement, for the Registrar of Titles to remove the existing agreement from each folio of land on which the agreement is recorded and record the amended agreement on each folio of the Register relating to land affected by the work-in-kind agreement; or
  - (b) if a work-in-kind agreement is ended wholly or as to any part of the land, for the Registrar of Titles to, as appropriate, remove in whole or in part the recording of the agreement from any folio of the Register on which the agreement is recorded.
- (6) An application under subsection (5) must—
- (a) be in a form approved by the Registrar of Titles; and
  - (b) in the case of a work-in-kind agreement that has been amended, be accompanied by a copy of the agreement in its amended form.
- (7) The Registrar of Titles, on receiving an application that complies with subsection (6), may (as the case may be)—
- (a) remove the existing agreement from each folio of land on which the agreement is recorded and record the amended agreement on each folio of the Register relating to land affected by the work-in-kind agreement; or
  - (b) as appropriate, remove in whole or in part the recording of the agreement from any folio of the Register on which the agreement is recorded.

### **35I Restrictions on dealings with land**

- (1) A person, who is subject to a restriction on dealing with land that has been specified in a work-in-kind agreement in accordance with section 35D, must not, without the consent of the Treasurer, enter into or effect such a dealing with that land (within the meaning of section 35D) while the agreement is in force.
- (2) Nothing in this section prevents—
- (a) a mortgagee from exercising a power of foreclosure or sale in respect of the whole or any part of land that is subject to a restriction referred to in subsection (1); or
  - (b) an application to the Registrar of Titles for the registration of a charge in respect of unpaid tax (within the meaning of the **Taxation Administration Act 1997**) over the whole or any part of land that is subject to a restriction referred to in subsection (1).

### **35J Entering into a work-in-kind agreement does not discharge liability for windfall gains tax**

The entering into a work-in-kind agreement by a person to meet the whole or part of a liability to pay the windfall gains tax does not discharge the person from that liability.

#### **Note**

It is not until the person performs their obligations in accordance with the work-in-kind agreement that the value of the land or works provided can be taken to be a payment towards the windfall gains tax owed (see section 35M).

#### **35K Person must notify the Victorian Planning Authority of performance of agreement**

A person who has entered into a work-in-kind agreement to meet a liability to pay windfall gains tax must, without delay, notify the Victorian Planning Authority in writing of the following—

- (a) the performance of the agreement;
- (b) the performance of any stage of the agreement that must be performed by a due date specified in the agreement;
- (c) if the agreement is not wholly performed by the due date for performance, how much of the agreement has been performed.

**35L Victorian Planning Authority must determine whether agreement has been performed**

- (1) The Victorian Planning Authority acting on behalf of the Treasurer must, after receiving notification under section 35K, determine the following—
  - (a) whether a work-in-kind agreement or a stage of a work-in-kind agreement, which has an agreed value under the agreement, has been performed by the due date for performance;
  - (b) if a work-in-kind agreement has only been partly performed by the due date for performance or before it has been ended in accordance with section 35G(1), the value of the land or works provided in accordance with the agreement.
- (2) The Victorian Planning Authority must, without delay, notify the Commissioner in writing of any determination made under subsection (1).

**35M Performance of work-in-kind agreement taken to be payment of windfall gains tax**

- (1) A person who has entered into a work-in-kind agreement to meet the whole or part of a liability to pay windfall gains tax is taken to have paid an amount of that tax that is equivalent to—
  - (a) if the agreement is wholly performed, the agreed value of the agreement; or
  - (b) if a stage of the agreement is wholly performed, the agreed value of that stage; or
  - (c) if the agreement is partly performed, the value of the land or works provided under the agreement as determined by the Victorian Planning Authority.
- (2) A person is taken to have paid an amount of windfall gains tax under subsection (1) at the time at which the Commissioner receives a notice from the Victorian Planning Authority under section 35L(2) of its determination of the relevant matter referred to in subsection (1)(a), (b) or (c).

**35N Person in default if work-in-kind agreement not performed by due date**

- (1) If—
  - (a) a person liable to pay windfall gains tax has entered into a work-in-kind agreement to meet the whole or part of that liability and fails to perform that agreement or a stage of that agreement in accordance with the terms of the agreement by the due date for performance; and
  - (b) the windfall gains tax has been deferred under Part 4—

the whole of the windfall gains tax becomes immediately payable as if the tax had never been deferred.
- (2) Despite subsection (1), a person remains liable under the work-in-kind agreement to perform the obligations under the agreement."

18. **Suggested amendment to the Legislative Assembly—**  
 Clause 39, lines 1 and 2, omit "**contracts of sale and options**" and insert "**arrangements**".

19. **Suggested amendment to the Legislative Assembly—**  
 Clause 39, lines 5 to 17, omit paragraphs (a) and (b) and insert—

- "(a) the land is subject to a contract of sale entered into before 12 October 2021; or
- (b) the land is subject to an option to enter into a contract of sale granted before 12 October 2021; or
- (c) the land is subject to a legally binding agreement for development of the land entered into before 12 October 2021."

20. **Suggested amendment to the Legislative Assembly—**  
Clause 40, line 19, omit "15 May" and insert "12 October".
21. **Suggested amendment to the Legislative Assembly—**  
Clause 40, lines 25 to 28, omit paragraph (b) and insert—  
"(b) the owner of the land has substantially commenced the process for rezoning the land before 12 October 2021; and".
22. **Suggested amendment to the Legislative Assembly—**  
Clause 40, line 29, omit "15 May 2021 the owner of the land" and insert "12 October 2021 the owner of the land or a person on behalf of the owner".
23. **Suggested amendment to the Legislative Assembly—**  
Clause 40, page 34, line 14, omit "15 May" and insert "12 October".
24. **Suggested amendment to the Legislative Assembly—**  
Clause 40, page 34, line 16, omit "15 May 2021 the owner of the land" and insert "12 October 2021 the owner of the land or a person on behalf of the owner".
25. **Suggested amendment to the Legislative Assembly—**  
Clause 40, page 34, lines 31 to 34, omit all words and expressions on these lines.
26. **Suggested amendment to the Legislative Assembly—**  
Clause 40, page 35, line 18, omit "analysis—" and insert "analysis; and".
27. **Suggested amendment to the Legislative Assembly—**  
Clause 40, page 35, lines 19 and 20, omit all words and expressions on these lines and insert—  
"(h) works done to the land itself, such as remediation and land clearing;".

## NEW CLAUSE

28. **Suggested amendment to the Legislative Assembly—**  
Insert the following New Clause to follow clause 43—  
  
"43A **Proceeds of windfall gains tax to be applied in municipal district**  
  
(1) It is the intention of Parliament that the proceeds of windfall gains tax paid to the Commissioner in respect of land are applied to the provision of outputs in the municipal district in which the land is located or paid to the Council of that municipal district for the provision of works or services in that municipal district.  
  
(2) In this section—  
  
**Council** has the same meaning as in the **Local Government Act 1989**;  
**municipal district** has the same meaning as in the **Local Government Act 1989**;  
**outputs** has the meaning given by section 3 of the **Financial Management Act 1994**."
29. **Suggested amendment to the Legislative Assembly—**  
Clause 52, page 50, after line 19 insert—  
  
"6A.4A.10A **Proceeds of tax to support mental health**  
  
(1) It is the intention of Parliament that the proceeds of keno tax paid to the Commissioner be spent on the provision of outputs that are consistent with and promote the objectives of the **Mental Health Act 2014** and the mental health principles.  
  
(2) In this section—  
  
**mental health principles** has the same meaning as in the **Mental Health Act 2014**;  
**outputs** has the meaning given by section 3 of the **Financial Management Act 1994**."

## NEW CLAUSE

30. **Suggested amendment to the Legislative Assembly—**  
Insert the following New Clause to follow clause 90—
- '90A Time for lodging objections**
- (1) In section 99(1) of the **Taxation Administration Act 1997**, for "An objection" **substitute** "Subject to subsection (1A), an objection".
- (2) After section 99(1) of the **Taxation Administration Act 1997 insert—**
- "(1A) An objection on the ground referred to in section 96(1)(cb) must be lodged with the Commissioner within 180 days after the date of service of the notice of the assessment on the taxpayer, except as provided by section 100.".
31. **Suggested amendment to the Legislative Assembly—**  
Clause 100, line 29, after "land tax" insert "or within 180 days after receiving the notice of assessment of".

*Suggested Amendments circulated by Dr Ratnam*

1. **Suggested amendment to the Legislative Assembly -**  
Clause 55, after line 28 insert—
- "low income households** has the same meaning as in section 3AA(4) of the **Planning and Environment Act 1987**;
- moderate income households** has the same meaning as in section 3AA(4) of the **Planning and Environment Act 1987**;"
2. **Suggested amendment to the Legislative Assembly -**  
Clause 55, page 57, after line 9 insert—
- "occupancy rate**, for dwellings in a BTR development, means the proportion of the dwellings in the BTR development that are occupied;"
3. **Suggested amendment to the Legislative Assembly -**  
Clause 55, page 57, line 18, omit "70E;" and insert "70E;"
4. **Suggested amendment to the Legislative Assembly -**  
Clause 55, page 57, after line 18 insert—
- 'very low income households** has the same meaning as in section 3AA(4) of the **Planning and Environment Act 1987**;"
5. **Suggested amendment to the Legislative Assembly -**  
Clause 59, page 62, line 16, omit "70F." and insert "70F; and".
6. **Suggested amendment to the Legislative Assembly -**  
Clause 59, page 62, after line 16 insert—
- "(f) collectively rented at an occupancy rate that is not less than 90 per cent at any time.".
7. **Suggested amendment to the Legislative Assembly -**  
Clause 59, page 64, lines 10 and 11, omit "agreement for a fixed term of not less than 3 years." and insert—
- "agreement—
- (a) for a fixed term of not less than 3 years; and
- (b) for rent that is affordable to very low income households, low income households and moderate income households; and
- (c) for rent that does not increase by more than 2.5 per cent within a 12 month period.".
8. **Suggested amendment to the Legislative Assembly -**  
Clause 59, page 64, line 12, omit "subsection (1)" and insert "subsection (1)(a)".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 136, 137 and 138

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#### No. 136 — Tuesday, 30 November 2021

- 1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE SIR JAMES GOBBO AC, CVO, QC** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 7 November 2021, of the Honourable Sir James Gobbo AC, CVO, QC, and places on record its acknowledgement of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 1997 to 2000.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 11.58 a.m. until 1.05 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Special Investigator Act 2021*

*Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021*

*Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021.*

- 4 **JOINT SITTING — SENATE VACANCY** — Mr Davis moved, by leave, That —
  - (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 1 December 2021 at 6.45 p.m.; and
  - (2) Standing, Sessional and Temporary Orders be suspended to the extent necessary to provide that on Wednesday, 1 December 2021 the Order of Business will be —
    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At **12 noon** Questions
    - General Business (continues)
    - At **6.45 p.m.** Joint sitting in the Legislative Assembly Chamber
    - Statements on reports, papers and petitions (30 minutes)
    - Adjournment (up to 20 members)

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 5 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **VicForests performance** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Tierney due Thursday, 2 December 2021.
- **Land tax concessions for charities** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Thursday, 2 December 2021.
- **Police behaviour** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 2 December 2021.

- 6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 7 PETITIONS** —

**REVIEW OF PROPOSED WESTERN VICTORIA TRANSMISSION NETWORK** — Mr Grimley presented a Petition bearing 1,252 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with the Australian Energy Market Operator and review the proposed Western Victoria Transmission Network and seriously look at all alternate options and technologies for a better outcome for all Victorians.

Ordered to lie on the Table.

\* \* \* \* \*

**NO SKY RAIL AT PARKDALE** — Mr Hayes presented a Petition bearing 1,690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop work on the proposed sky rail at Parkdale, conduct community consultation that includes local residents and small businesses and ensure that the level crossings at Warrigal Road, Mentone and Parkdale Railway Station are placed underground.

Ordered to lie on the Table.

\* \* \* \* \*

**EMERGENCY DEPARTMENT AND MATERNITY WARD FOR HEALESVILLE HOSPITAL AND YARRA VALLEY HEALTH** — Ms Lovell presented a Petition bearing 1,573 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Eastern Health and prioritise an emergency department and maternity ward for Healesville Hospital and Yarra Valley Health.

Ordered to lie on the Table.

\* \* \* \* \*

**COMPULSORY HOLISTIC SEX EDUCATION IN SCHOOLS** — Dr Ratnam presented a Petition bearing 2,047 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Department of Education and Training to include compulsory holistic sex education, that includes the topics of consent, rape culture and LGBTQI+ sex, in the school curriculum.

Ordered to lie on the Table.

\* \* \* \* \*

**FUND COMMINGLED RECYCLING IN SCHOOLS** — Ms Terpstra presented a Petition bearing 247 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide facilities and funding to schools that allows them to finance ongoing commingled recycling programs that mirror the four-bin system being implemented in Victorian households.

Ordered to lie on the Table.

- 8 FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2021** — Dr Ratnam introduced *A Bill for an Act to repeal the Forests (Wood Pulp Agreement) Act 1996, to terminate the Agreement*



set out in the Schedule to that Act and to provide that any rights, privileges, obligations or liabilities under that Agreement cease to exist on that termination and for other purposes.

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

## 9 PAPERS —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE USE OF SCHOOL BUSES IN RURAL AND REGIONAL VICTORIA** — Pursuant to Standing Order 23.29, Mr Erdogan presented a Report from the Economy and Infrastructure Committee on the Inquiry into the use of school buses in rural and regional Victoria (including Appendices), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 16 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 7 June 2020 giving approval to the granting of a lease at Victoria Park Reserve.

Health Complaints Commissioner — Report, 2020-21.

Interpretation of Legislation Act 1984 — Notice under section 32(3) of the Act in relation to the Variation of the Code of Practice for Timber Production 2014 (No.1/2021) (*Gazette No. G47, 25 November 2021*).

North East Link Act 2020 — North East Link Tolling Agreement, of 27 October 2021, under section 51 of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2019-20 financial and performance outcomes.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Casey Planning Scheme — Amendment C281.

Casey, Darebin, Macedon Ranges, Port Phillip, South Gippsland, Yarra Ranges Planning Schemes — Amendment GC195.

Casey and Frankston Planning Schemes — Amendment GC181.

Greater Geelong Planning Scheme — Amendment C439.

Mornington Peninsula Planning Scheme — Amendment C262 (Part 1).

Nillumbik Planning Scheme — Amendments C133 and C145.

Victoria Planning Provisions — Amendment VC214.

Police Informants Royal Commission Implementation Monitor Act 2021 — Royal Commission into the Management of Police Informants: Progress Report, 2020-21, under section 28(2) of the Act.

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 142.

Magistrates' Court Act 1989 — No. 143.

Victorian Civil and Administrative Tribunal Act 1998 — No. 141.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 139 to 141 and 144.

Legislative Instruments and related documents under section 16B in respect of Treasurer's guidelines of 12 November 2021 for the exercise of the Commissioner of

State Revenue's power to approve a person to be a permitted provider under section 55 of the Duties Act 2000.

Victoria's Mental Health Services — Report, 2020-21.

Victorian Institute of Forensic Mental Health (Forensicare) — Report, 2020-21, together with an explanation for the delay.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Suburban Rail Loop Act 2021 — Whole Act — 1 December 2021 (*Gazette No. S649, 23 November 2021*).

Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021 — Remaining Provisions — 29 November 2021 (*Gazette No. S649, 23 November 2021*).

**10 BUSINESS OF THE COUNCIL** — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 1 December 2021 —

- (1) Order of the Day No. 1, second reading of the Road Safety Amendment (Hoon Events) Bill 2021;
- (2) Notice of Motion No. 631, in an amended form, standing in the name of Dr Ratnam referring a matter relating to the rise of the far-right extremist movement in Victoria to the Legal and Social Issues Committee;
- (3) Order of the Day No. 6, resumption of debate on the second reading of the Bail Amendment (Reducing Pre-trial Imprisonment of Women, Aboriginal, and Vulnerable Persons) Bill 2021;
- (4) the notice of motion given this day by Mr Davis on Victoria's economic performance;
- (5) Notice of Motion No. 632 standing in the name of Ms Crozier on ambulance performance;
- (6) Order of the Day No. 2, resumption of debate on the second reading of the Local Government Amendment (Rates and Charges) Bill 2021;
- (7) Notice of Motion No. 610, in an amended form, standing in the name of Dr Cumming referring a matter relating to the effects of COVID-19 on the physical and mental health of Victorians to the Legal and Social Issues Committee; and
- (8) Notice of Motion No. 682 standing in the name of Mr Barton referring a matter relating to the impact imprisoned parents have on their children to the Legal and Social Issues Committee.

Question — put and agreed to.

**11 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE CLOSURE OF THE HAZELWOOD AND YALLOURN POWER STATIONS** — Mr Erdogan moved, by leave, That the Resolution of the Council of 17 March 2021 requiring the Economy and Infrastructure Committee to inquire into and report, by 13 December 2021, on the impacts of the closure of the Hazelwood and Yallourn Power Stations, be amended so as to now require the Committee to present its report by no later than 31 May 2022.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 683, be postponed until later this day.

**14 BUSINESS POSTPONED** — Ms Taylor moved, That the consideration of Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**15 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021**

— Bill 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 Tierney 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 —*

Mr Leane 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.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 1 DECEMBER 2021

Mr Leane moved, That the sitting be extended.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill further considered in Committee of the whole.

The Deputy President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole on the next day of meeting.

**16 RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that, on Wednesday, 1 December 2021, she had received the written resignation of the Honourable Edward O'Donohue as a Member of the Victorian Legislative Council.

**17 JOINT SITTING — CASUAL COUNCIL VACANCY** — Mr Davis moved, by leave, That when this House meets the Legislative Assembly today at 6.45 p.m., pursuant to a Resolution of the Council of 30 November 2021, to sit and vote together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan, they also choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

**18 PRODUCTION OF DOCUMENTS — CLOSURE OF THE VICTORIAN NATIVE TIMBER INDUSTRY** — The Clerk laid on the Table a letter from the Attorney-General, dated 26 November 2021, in response to the Resolution of the Council of 13 October 2021 (on the motion of Mr Bourman), relating to the closure of the Victorian Native Timber Industry, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**19 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 12.29 p.m., on Wednesday, 1 December 2021, adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 137 — Thursday, 2 December 2021

**1** The President took the Chair at 10.08 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — The President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Ms Symes moved, That the Message be referred to the Committee of the whole on the Bill later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**3 PETITIONS —**

**REJECT THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Ms Bath presented a Petition bearing 703 signatures from certain citizens of Victoria requesting that the Legislative Council reject the flawed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

\* \* \* \* \*

**NO SKY RAIL ON THE FRANKSTON LINE** — Mr Davis presented a Petition bearing 730 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately rule out sky rail for the Frankston line, ensure that level crossings at Cheltenham, Mentone, Edithvale, Bonbeach, Carrum, Seaford and Frankston are placed underground and consult with the community on upgrades to infrastructure at stations where level crossings have not been removed, such as Parkdale and Mordialloc.

Ordered to lie on the Table.

\* \* \* \* \*

**PREVENT LOCAL COUNCILS ACCEPTING UNSOLICITED LAND PROPOSALS** — Mr Hayes presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Local Government to take action to prevent local councils from accepting unsolicited proposals to purchase land and from exchanging public land for infrastructure.

Ordered to lie on the Table.

\* \* \* \* \*

**OPPOSE THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Ms Lovell presented a Petition bearing 379 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

\* \* \* \* \*

**REVERSE DECISION TO TURN RECREATIONAL LAND INTO NATIONAL PARKS** — Ms Lovell presented a Petition bearing 2,148 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the Victorian Environment Assessment Council's decision to turn recreational land such as the greater Lerderderg and Wombat State Forest into national parks.

Ordered to lie on the Table.

**4 PAPERS —**

**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA** — Pursuant to Standing Order 23.29, Ms Terpstra presented a Report from the Environment and Planning Committee on the Inquiry into ecosystem decline in Victoria (including an Appendix, 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.

Ms Terpstra moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**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 —

Council Waste Management Services, December 2021 (*Ordered to be published*).

Results of 2020–21 Audits: Local Government, December 2021 (*Ordered to be published*).

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2020-21 report.

Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2020-21.

Environment Protection Authority (EPA) — Report, 2020-21.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.

Infrastructure Victoria Act 2015 — Victorian Infrastructure Plan 2021 — Government Response, under section 37 of the Act.

LanguageLoop — Report, 2020-21.

Metropolitan Waste and Resource Recovery Group — Report, 2020-21.

A Statutory Rule under the Supreme Court Act 1986 — No. 144.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 150.

Surveyors Registration Board of Victoria — Minister's report of receipt of the 2020-21 report.

Sustainability Victoria — Report, 2020-21.

Trust for Nature (Victoria) — Report, 2020-21.

Victorian Commission for Gambling and Liquor Regulation — Report, 2020-21.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an assessment of forest values in the Immediate Protection Areas in the Strathbogie Ranges and Mirboo North, under section 26C of the Act.

Victorian Inspectorate — Reports on controlled operations records and reports, 2019-20 for —

Department of Environment, Land, Water and Planning, under section 74P of the Wildlife Act 1975.

Game Management Authority, under section 74P of the Wildlife Act 1975.

Independent Broad-based Anti-corruption Commission, under section 39 of the Crimes (Controlled Operations) Act 2004.

Victoria Police, under section 39 of the Crimes (Controlled Operations) Act 2004.

Victorian Fisheries Authority, under section 131T of the Fisheries Act 1995.

Victorian Plantations Corporation — Report, 2020-21.

Victorian Rail Track (VicTrack) — Report, 2020-21 (*in lieu of that tabled on 28 October 2021*).

Victorian Responsible Gambling Foundation — Report, 2020-21.

Victoria State Emergency Service Authority (SES) — Report, 2020-21.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of the 2020-21 report, together with an explanation for the delay.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021 — Remaining Provisions — 1 December 2021 (*Gazette No. S673, 30 November 2021*).

Justice Legislation Amendment (Criminal Appeals) Act 2019 — Division 1 of Part 2 — 4 December 2021 (*Gazette No. S673, 30 November 2021*).

**5 JOINT SITTING — CASUAL COUNCIL VACANCY, VACANCY IN THE SENATE** — Mr Davis moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to —

(1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue;

- (2) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan;  
and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Thursday, 2 December 2021 at 4.45 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 683, be postponed until later this day.

- 8 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Bill further considered in Committee of the whole.

House in Committee.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Fox and wild dog bounty program** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 6 December 2021.
- **VicForests funding** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Monday, 6 December 2021.
- **Container deposit scheme non-disclosure** — substantive and supplementary questions asked by Mrs McArthur — response from Mr Leane due Friday, 3 December 2021.
- **Cancer screening services** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 6 December 2021.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 11 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — Bill further considered in Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Symes 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, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill, including the amendments made by the Assembly on the suggestion of the Committee of the whole Council, with amendments and requesting their agreement.

- 12 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021** — 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.

*Business having been interrupted at 4.45 p.m. pursuant to an Order of the Council earlier this day —*

- 13 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY, VACANCY IN THE SENATE** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Thursday, 2 December 2021 at 4.45 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to —

- (1) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan; and
- (2) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue.

*Accordingly, the Council immediately proceeded to the Assembly Chamber, and having returned —*

- 14 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021** — Bill further considered in Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 15 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Quilty, debate was adjourned until later this day.

- 16 MEAL BREAK** — Ordered — That the meal break scheduled for this day, pursuant to Sessional Order 1, be altered from 60 minutes to 45 minutes.

*[Sitting suspended from 6.27 p.m. to 7.15 p.m.]*

- 17 JOINT SITTING — SENATE VACANCY** — The President reported that the House met with the Legislative Assembly to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan and that Mr Greg Mirabella was chosen to hold the vacant place in the Senate.

- 18 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue and that Ms Cathrine Burnett-Wake was elected to hold the vacant place in the Legislative Council.

- 19 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Ms Cathrine Burnett-Wake, having been introduced, approached the Table and took and subscribed the Affirmation required by law.

- 20 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021** — 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.

Mr Leane 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 Deputy President in the Chair.

AYES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**21 COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That —

- (1) Ms Lovell be discharged from the Standing Committee on Legal and Social Issues;
- (2) Ms Burnett-Wake be a member of the Standing Committee on Legal and Social Issues;
- (3) Ms Lovell be a participating member of the Standing Committee on Legal and Social Issues; and
- (4) Ms Burnett-Wake be a participating member of the Standing Committee on the Environment and Planning.

Question — put and agreed to.

**22 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021**

— The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

**23 DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS) BILL 2021**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 to improve the process for reuniting pets with their owners and to make other miscellaneous and consequential amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Bath), the debate was adjourned for one week.

**24 MAJOR EVENTS LEGISLATION AMENDMENT (UNAUTHORISED TICKET PACKAGES AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly

presenting *A Bill for an Act to amend the Major Events Act 2009 to prevent the unauthorised advertising and sale of ticket packages for sports ticketing events and ticketed events to which a major event ticketing declaration applies and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 25 SERVICE VICTORIA AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Service Victoria Act 2018 to expand the ability of Service Victoria to deliver Government services to the public and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 26 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 138 — Friday, 3 December 2021

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 116 (*Gazette No. S675, 30 November 2021*).
  - Victorian Equal Opportunity and Human Rights Commission — 2020 Report on the Operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).
- 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 8 February 2022.  
Question — put and agreed to.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 683, be postponed until later this day.
- 5 **PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — Ms Symes moved, That contingent upon the coming into operation of the *Public Health and Wellbeing Amendment (Pandemic Management) Act 2021* and the making of a pandemic declaration in relation to SARS-CoV-2, Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing be members of the Pandemic Declaration Accountability and Oversight Committee.  
Debate ensued.  
Mr Davis moved, as an amendment, That after “Mr Erdogan” insert “, Mr Rich-Phillips,”.  
Debate ensued.  
Question — That the amendment moved by Mr Davis be agreed to — put.  
The Council divided — The President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — put and agreed to.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 691, be postponed until later this day.

**7 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Dr Bach moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until there has been more time to consult with affected stakeholders.”.

Debate ensued.

Amendments proposed to be moved in Committee by Ms Maxwell and Dr Ratnam 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Hydroelectricity dams** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Tuesday, 7 December 2021.
- **Ambulance Victoria – WorkSafe** — substantive question asked by Ms Crozier — response from Ms Stitt due Monday, 6 December 2021.
- **Chief Health Officer health advice** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Tuesday, 7 December 2021.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**10 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Dr Bach*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until there has been more time to consult with affected stakeholders.”.

Dr Cumming moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn until the completion of the passage of the Religious Discrimination Bill 2021 in both Houses of the Australian Parliament.”.

Debate ensued.

Question — That the reasoned amendment moved by Dr Cumming be agreed to — put and negatived.

Question — That the reasoned amendment moved by Dr Bach be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 24

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Maxwell were outside the scope of the Bill —*

Ms Maxwell moved, That it be an instruction to the Committee that they have the power to consider amendments to amend the **Equal Opportunity Act 2010** to provide for the Commission to review the programs and practices of any government department, public authority, State owned enterprise or municipal council on request of either House of the Parliament, or a Minister, and to disclose reports of documents relating to the review if it is in the public interest.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

Ms Tierney 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 Tierney 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 Symes 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, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.44 p.m., adjourned until Tuesday, 8 February 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 136, 137 and 138

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### **PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021**

*Committed Tuesday, 30 November 2021*

*Amendments and suggested amendments circulated: Ms Crozier (p. 1037), Dr Cumming (CC14C) (pp. 1037-9), Mr Davis (DD86C) (pp. 1039-43), Mr Hayes (CH02C) (p. 1044) and Ms Symes (JS30C) (pp. 1044-55).*

*Further amendments circulated: Mr Davis (DD91C) (p. 1055).*

#### **Clause 1 —**

Mr Davis moved, That progress be reported and the Committee have leave to sit again once a Joint Select Committee is established to inquire into, consider and report by Tuesday, 8 February 2022, on an appropriate balance of pandemic legislation and regulations, having regard to the rights of Victorians, health outcomes, protections for the economy and jobs, including small businesses, with high levels of democratic protections and scrutiny, including appropriate transparency and parliamentary oversight and —

- (1) the Committee shall consist of —
  - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
  - (b) four Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (2) a majority of the Members appointed pursuant to paragraph (1) will constitute a quorum of the Committee;
- (3) the Chair of the Committee must be a non-Government Member;
- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee must commence its work by Monday, 6 December 2021;
- (7) consistent with the powers of the Legislative Council, the Committee may —
  - (a) summons witnesses to attend the Committee;
  - (b) require the production of documents and other things;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) if, in the event the Legislative Assembly does not agree to the establishment of the above Joint Select Committee by 12.00 noon on Saturday, 4 December 2021, then a Legislative Council Select Committee will be established to inquire into, consider and report on the terms set out above and the Committee shall consist of seven Members comprising three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (10) if a Select Committee is established pursuant to paragraph (9), a majority of the Members appointed pursuant to paragraph (9) will constitute a quorum of the Committee and the rules set out in paragraphs (3) to (7) will apply; and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Debate ensued.

Mr Leane moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the motion moved by Mr Davis be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Amendments and suggested amendments proposed to be moved in Committee by Ms Symes (JS30C) were circulated.

Clause 1 — put and agreed to.

**Clause 2** — Question — That Clause 2 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 3** — put and agreed to.



**Clause 4** — Ms Symes moved suggested Amendment No. 1 — put and agreed to.

Ms Symes moved Amendment No. 2 — put and agreed to.

Ms Symes moved Amendment No. 3 — put and agreed to.

Ms Symes moved suggested Amendment No. 4 — put and agreed to.

Dr Cumming moved Amendment Nos. 2 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmár; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 4 — stands postponed pursuant to Standing Order 14.15(3).

**Clauses 5 to 8** — put and agreed to.

**New Clause** — Dr Cumming moved Amendment No. 5.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Bourman; Mr Elasmár; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 9** — Question — That Clause 9 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barton; Mr Elasmár; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 10** — put and agreed to.

**New Clause** — Ms Symes moved suggested Amendment No. 5.

Question — That the New Clause stand part of the Bill — put and agreed to.

New Clause — stands postponed pursuant to Standing Order 14.15(3).

**Clause 11** — put and agreed to.

Amendments proposed to be moved in Committee by Mr Hayes (CC02C) were circulated.

**Clause 12** — Dr Cumming moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Mr Barton; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 6 — put and agreed to.

Mr Davis moved Amendment No. 1 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmars; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 7 — put and agreed to

Dr Cumming moved Amendment No. 7 — put and negatived.

Ms Symes moved Amendment Nos. 8 and 9 — put and agreed to.

Ms Symes moved Amendment Nos. 10 and 11 — put and agreed to.

Mr Davis moved Amendment No. 2 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Dr Cumming moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Davis moved Amendment No. 3 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment Nos. 12 and 13 — put and agreed to.

Dr Cumming moved Amendment No. 14.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment No. 14 — put and agreed to.

Mr Davis moved Amendment No. 5 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Dr Cumming moved Amendment No. 15.

Ms Crozier moved as an amendment to Dr Cumming's amendment, That in proposed section 165AH, **omit** the words "as if the pandemic declaration were not in force".

Question — that Ms Crozier's amendment to Dr Cumming's amendment be agreed to — put and agreed to.

Question — That Dr Cumming's amendment, as amended, be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved suggested Amendment No. 15 — put and agreed to.

Ms Symes moved Amendment No. 16 — put and agreed to.

Mr Davis moved Amendment No. 6 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment No. 17 — put and agreed to.

Ms Symes moved Amendment No. 18 — put and agreed to.

Mr Davis moved Amendment No. 8 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Dr Cumming moved Amendment No. 21.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 19 — put and agreed to.

Ms Symes moved Amendment No. 20 — put and agreed to.

Dr Cumming moved Amendment No. 27.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 21 — put and agreed to.

Mr Davis moved Amendment No. 10.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Dr Cumming moved Amendment No. 28.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment No. 22 — put and agreed to.

Dr Cumming moved Amendment No. 29.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment No. 23 — put and agreed to.

Ms Symes moved Amendment No. 24 — put and agreed to.

Dr Cumming moved Amendment No. 30.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Mr Davis moved Amendment No. 11 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Symes moved Amendment No. 25 — put and agreed to.

Ms Symes moved Amendment No. 26 — put and agreed to.

Ms Symes moved Amendment No. 27 to 35 — put and agreed to.

Ms Symes moved Amendment No. 36

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Ms Symes moved Amendment No. 37.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Mr Davis moved Amendment No. 13 (DD86C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*



## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved suggested Amendment No. 38 — put and agreed to.

Ms Symes moved Amendment No. 39 — put and agreed to.

Ms Symes moved suggested Amendment Nos. 40 to 59 — put and agreed to.

Ms Symes moved Amendment No. 60 — put and agreed to.

Ms Symes moved Amendment Nos. 61 and 62 — put and agreed to.

Ms Symes moved Amendment Nos. 63 to 65 — put and agreed to.

Dr Cumming moved Amendment No. 32 — put and negatived.

Dr Cumming moved Amendment Nos. 33 to 35 — put and negatived.

Dr Cumming moved Amendment No. 36 — put and negatived.

Dr Cumming moved Amendment Nos. 39 and 40 — put and negatived.

Dr Cumming moved Amendment No. 42 — put and negatived.

Ms Symes moved Amendment No. 66 — put and agreed to.

Ms Symes moved suggested Amendment Nos. 67 and 68 — put and agreed to.

Mr Davis moved Amendment Nos. 15 and 16 (*DD86C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved suggested Amendment No. 69 — put and agreed to.

Ms Symes moved Amendment Nos. 70 to 75 — put and agreed to.

Clause 12 — stands postponed pursuant to Standing Order 14.15(3).

**Clauses 13 and 14** — put and agreed to.

**New Clause** — Ms Symes moved suggested Amendment No. 76 — put and agreed to.

New Clause — stands postponed pursuant to Standing Order 14.15(3).

**Clause 15** — put and agreed to

**Clause 16** — Question — That Clause 16 stand part of the Bill — put and negatived.

**Clause 17** — Mr Davis moved Amendment No. 17 (*DD86C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clause 18** — put and agreed to.

**Clause 19** — Ms Symes moved suggested Amendment No. 78 — put and agreed to.

Clause 19 — stands postponed pursuant to Standing Order 14.15(3).

**New Part Heading and New Clauses** — Ms Symes moved Amendment Nos. 79 and 80.

Question — That the New Part Heading and New Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 10

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 20 to 30** — put and agreed to.

**Clause 31** — Question — That Clause 31 stand part of the Bill — put and negatived.

**New Clause** — Mr Davis moved Amendment No. 18 (*DD86C*).

Question — That the New Clause stand part of the Bill — put and negatived.

**Clauses 32 to 34** — put and agreed to.

**Clause 35** — Ms Symes moved Amendments Nos. 82 and 83 — put and agreed to.

Clause 35, as amended — put and agreed to.

**Clauses 36 to 58** — put and agreed to.

**Progress reported with suggested amendments.**

**Thursday, 2 December 2021** —

*Progress having been reported on Wednesday, 1 December 2021, Bill further considered in Committee of the whole.*

Further amendments proposed to be moved in Committee by Mr Davis were circulated (*DD91C*).

**Postponed Clause 4** — Question — That Clause 4, as amended by the Assembly on the suggestion of the Committee of the whole Council, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**New Clause 10A** — Question — That New Clause 10A, inserted by the Assembly on the suggestion of the Committee of the whole Council, stand part of the Bill — put and agreed to.

**Postponed Clause 12** — Mr Davis moved Amendment No. 1 (*DD91C*).

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Davis moved Amendment No. 2 (DD91C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Question — That Clause 12, as amended by the Assembly on the suggestion of the Committee of the whole Council, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**New Clauses 14A to 14E** — Question — That New Clauses 14A to 14E, as inserted by the Assembly on the suggestion of the Committee of the whole Council, stand part of the Bill — put and agreed to.

**Postponed Clause 19** — Question — That Clause 19, as amended by the Assembly on the suggestion of the Committee of the whole Council, as amended, stand part of the Bill — put and agreed to.

**Bill reported with amendments, including the amendments made by the Assembly on the suggestion of the Committee of the whole Council.**

\* \* \* \* \*

## **CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021**

*Committed Thursday, 2 December 2021*

*Amendments circulated: Mr Ondarchie (p. 1056).*

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Ondarchie moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmár; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.  
*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 17** — put and agreed to.

**Clause 18** — put and agreed to.

**Clauses 19 to 42** — put and agreed to.

**Bill reported without amendment.**

**CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021***Committed Thursday, 2 December 2021**Amendments circulated: Mr Ondarchie (pp. 1056-7).*

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

**Clauses 1 to 59** — put and agreed to.

**Clause 60** — Mr Ondarchie moved Amendment No. 1 — put and negated.

Clause 60 — put and agreed to.

**Clauses 61 to 64** — put and agreed to.

**Clause 65** — Mr Ondarchie moved Amendment No. 2 — put and negated.

Clause 65 — put and agreed to.

**Clause 66** — Mr Ondarchie moved Amendment No. 3 — put and negated.

Clause 66 — put and agreed to.

**Clauses 67 to 81** — put and agreed to.

**Clause 82** — Mr Ondarchie moved Amendment No. 4 — put and negated.

Clause 82 — put and agreed to.

**Clauses 83 to 88** — put and agreed to.

**Clause 89** — Mr Ondarchie moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 89 — put and agreed to.

**Clause 90** — put and agreed to.

**Clause 91** — Mr Ondarchie moved Amendment No. 6 — put and negated.

Clause 91 — put and agreed to.

**Clauses 92 to 212** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendments**

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**EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021**

*Committed Friday, 3 December 2021*

*Amendments circulated: Ms Maxwell (p. 1057) and Dr Ratnam (pp. 1057-58).*

**Clause 1** — Dr Ratnam moved Amendment No. 1 — put and negatived.

Ms Maxwell moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**New Clause** — Dr Ratnam moved Amendment No. 5.

Question — That the New Clause stand part of the Bill — put and negatived.

**Clause 4** — put and agreed to.

**Clauses 5 and 6** — put and agreed to.

**Clause 7** — Dr Ratnam moved Amendment No. 7.

Question — That the amendment be agreed to — put and negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 12** — Question — That Clauses 8 to 12 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 9

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mrs McArthur;  
Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 13** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021***Amendment to Dr Cumming's Amendment No. 15 circulated by Ms Crozier*

1. In proposed section 165AHA, omit the words "as if the pandemic declaration were not in force".

*Amendments circulated by Dr Cumming (CC14C)*

1. Clause 4, page 4, lines 22 to 24, omit all words and expressions on those lines.
2. Clause 4, page 5, lines 24 and 25, omit "there is a pandemic outbreak of that infectious disease" and insert "it is declared or otherwise assessed by the World Health Organisation to be such a disease".
3. Clause 4, page 5, line 28, omit "if—" and insert "if, at that time, it is not a pandemic disease but is the subject of a public health emergency of international concern as determined by the World Health Organisation.".
4. Clause 4, page 5, lines 29 to 34 and page 6, lines 1 to 5, omit all words and expressions on those lines.

**NEW CLAUSE**

5. Insert the following New Clause to follow clause 8—

**'8A Function of Councils**

In section 24(f) of the Principal Act, for "children living" **substitute** "people living, working".

6. Clause 12, page 8, line 11, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
7. Clause 12, page 9, lines 5 to 29, omit all words and expressions on those lines and insert—

"(3) The Premier may only make a pandemic declaration if the pandemic disease is present in Victoria at the time of making the declaration."
8. Clause 12, page 11, line 16, omit "from—" and insert "from a pandemic disease".
9. Clause 12, page 11, lines 17 to 31, omit all words and expressions on those lines.
10. Clause 12, page 12, lines 7 to 8, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
11. Clause 12, page 12, lines 10 to 13, omit all words and expressions on those lines and insert—

"(5) A pandemic declaration may be extended under subsection (1) for a period of no longer than—

  - (a) 3 months at a time, until the date that is 12 months since the pandemic declaration came into force; or
  - (b) one month at a time for any later extension.

(5A) An extension referred to in subsection (5)(a) or (b) does not take effect unless it is approved by a motion passed by a majority of members present and voting in each House of the Parliament."
12. Clause 12, page 12, lines 22 to 36 and page 13, lines 1 to 3, omit all words and expressions on those lines.

13. Clause 12, page 14, line 8, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
14. Clause 12, page 14, line 27, omit "within 3 business days" and insert "on the day".
15. Clause 12, page 16, after line 12 insert—

**"165AHA Parliament sitting when pandemic declaration is in force**

The Premier must make the Premier's best endeavours to ensure that, during the period when a pandemic declaration is in force, each House of the Parliament continues to sit as if the pandemic declaration were not in force."

16. Clause 12, page 19, lines 27 and 28, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
17. Clause 12, page 20, line 2, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
18. Clause 12, page 20, line 7, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
19. Clause 12, page 23, line 12, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
20. Clause 12, page 23, line 20, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
21. Clause 12, page 24, line 6, omit "14 days" and insert "one day".
22. Clause 12, page 24, lines 12 and 13, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
23. Clause 12, page 25, line 1, omit "Chief Health Officer's" and insert "Independent Pandemic Management Advisory Committee's".
24. Clause 12, page 25, lines 10 and 11, omit "Chief Health Officer's" and insert "Independent Pandemic Management Advisory Committee's".
25. Clause 12, page 25, lines 15 and 16, omit "Chief Health Officer's" and insert "Independent Pandemic Management Advisory Committee's".
26. Clause 12, page 25, line 19, omit "Chief Health Officer" and insert "Independent Pandemic Management Advisory Committee".
27. Clause 12, page 25, line 26, omit "14 days" and insert "one day".
28. Clause 12, page 26, lines 3 and 4, omit "6 sitting days" and insert "one sitting day".
29. Clause 12, page 26, lines 22 to 26, omit all words and expressions on those lines.
30. Clause 12, page 27, line 2, omit "10" and insert "5".
31. Clause 12, page 27, lines 5 to 31, page 28, lines 1 to 35, page 29, lines 1 to 37, page 30, lines 1 to 36, page 31, lines 1 to 35, page 32, lines 1 to 35 and page 33, lines 1 and 2, omit all words and expressions on those lines.
32. Clause 12, page 61, line 28, omit "30 days of the first extension" and insert "5 days of the making".
33. Clause 12, page 62, lines 8 to 12, omit all words and expressions on those lines and insert—
  - "(a) appoint as members of the committee persons whom the Minister considers to have skills, knowledge or experience relevant to the committee's functions, such persons including at least each of the following—

- (i) a person nominated by the Royal Australian College of General Practitioners Victoria Faculty Council;
- (ii) a person nominated by the Pharmacy Guild of Australia Victoria Branch Committee;
- (iii) a person nominated by the Municipal Association of Victoria, being a person who is a current or former Chief Executive Officer of a Council;
- (iv) a person nominated by the Victorian Multicultural Commission;
- (v) a person nominated by the Victorian Chamber of Commerce and Industry Executive Council;
- (vi) the Chief Health Officer; and".

34. Clause 12, page 62, line 16, after "person" insert "(other than a person specifically referred to in subsection (2)(a))".
35. Clause 12, page 63, lines 5 to 10, omit all words and expressions on those lines.
36. Clause 12, page 63, after line 22 insert—
  - "(8) An Independent Pandemic Management Advisory Committee must elect a Chairperson from its members appointed under this section."
37. Clause 12, page 63, line 27, omit "review and provide advice" and insert "provide advice and recommendations".
38. Clause 12, page 63, line 29, omit "Part;" and insert "Part, including in relation to the making of all pandemic orders;".
39. Clause 12, page 63, line 33, omit "recommendations." and insert "recommendations; and".
40. Clause 12, page 63, after line 33 insert—
  - "(c) to seek further advice from subject matter experts as the committee considers appropriate."
41. Clause 12, page 64, lines 1 to 4, omit all words and expressions on those lines.
42. Clause 12, page 64, line 13, omit "6 sitting days" and insert "one sitting day".
43. Clause 31, omit this clause.

#### Amendments circulated by Mr Davis (DD86C)

1. Clause 12, page 8, after line 25 insert—
  - "(3) In the administration of this Part and in seeking to achieve the objective of this Part, regard is to be given to the guiding principles set out in sections 5 to 10."
2. Clause 12, page 12, lines 12 and 13, omit "but the period of each extension must not be longer than 3 months" and insert "but an extension does not come into force unless the extension is approved by a resolution of both Houses of the Parliament passed by a special majority within the meaning of section 18(1A) of the **Constitution Act 1975**".
3. Clause 12, page 12, after line 13 insert—
  - "(5A) A resolution passed by a special majority of both Houses of the Parliament that approves an extension of a pandemic declaration—
    - (a) must specify the period of the extension, which must not exceed one month; and
    - (b) must not be moved until—

- (i) there has been laid before the House a statement of the basis for, and objectives of, the extension, including as to how these objectives relate to the objective of this Part, the objective of the Act and the guiding principles set out in sections 5 to 10; and
  - (ii) all members of Parliament who so request have received appropriate briefings and appropriate information on the circumstances causing a serious risk to public health to which the pandemic declaration and the extension of the pandemic declaration relate."
4. Clause 12, page 13, lines 8 and 9, omit ", extension or revocation of a pandemic declaration" and insert "or revocation of a pandemic declaration or the approval by the Parliament of an extension of a pandemic declaration".
5. Clause 12, page 16, after line 12 insert—

**"165AHA Measures to enhance transparency during pandemic**

- (1) This section applies during any period when a pandemic declaration is in force.
  - (2) The Leader of the Opposition, the leader of any other political party represented in the Parliament or an independent elected member may request that the Premier provide briefings or specified information in relation to the circumstances causing a serious risk to public health in relation to which the pandemic declaration was made or any other matter relating to the pandemic declaration.
  - (3) The Premier must, as soon as practicable, provide the requested briefings or information to the person who requested it."
6. Clause 12, page 19, line 11, omit ", attributes".
7. Clause 12, page 19, lines 13 to 23, omit all words and expressions on these lines.
8. Clause 12, page 20, after line 17 insert—

**"165ALA Requirement to obtain advice in relation to the Charter of Human Rights and Responsibilities before making, varying or extending a pandemic order**

Before making a pandemic order, or varying or extending a pandemic order under section 165AO, the Minister must obtain written advice in relation to the impact that the proposed pandemic order, or variation or extension of the pandemic order, (as the case requires) may have on the human rights protected by the Charter of Human Rights and Responsibilities."

9. Clause 12, page 24, after line 16 insert—
- "(ab) a copy of the written advice referred to in section 165ALA on which the Minister has relied in making, varying or extending the order;"
10. Clause 12, page 26, lines 3 to 26, omit all words and expressions on these lines and insert—
- "(1) Subject to subsection (2), if a House of the Parliament is sitting on the day after the coming into force of a pandemic order or a variation, extension or revocation of a pandemic order (the **relevant day**), the Minister must cause to be laid before that House on the relevant day—
    - (a) a copy of the pandemic order or the instrument of variation, extension or revocation, as the case requires; and
    - (b) a copy of each document that is required to be published under section 165AP(2) in relation to the making, variation, extension or revocation of the pandemic order.

- (2) If—
- (a) a House of the Parliament is not sitting on the relevant day; or
  - (b) for another reason it is not reasonably practicable for the copies referred to in subsection (1)(a) and (b) to be laid before that House on the relevant day—
- the Minister must, on the relevant day, give a copy of the documents referred to in subsection (1)(a) and (b) to the Clerk of that House.
- (3) If the Minister fails to comply with subsection (1) or (2) (as the case requires) in relation to a pandemic order or the variation or extension of a pandemic order, the operation of the pandemic order is suspended, and has no force or effect, from the end of the relevant day until a copy of the documents are laid before each House of the Parliament or given to the Clerk of each House.
- (4) If the Clerk of either House is given a copy of documents under subsection (2) or (3), the Clerk must—
- (a) give a copy of the documents to each member of the House as soon as practicable after receiving them; and
  - (b) cause a copy of the documents to be laid before the House on the next sitting day of the House.

**165AQA Documents tabled when Parliament is not sitting**

- (1) A document that is given to the Clerk of either House under section 165AQ(2) or (3) is taken to have been published by order under the authority of the Parliament.
- (2) The publication of a document under section 165AQ(2) or (3) is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975**, and of any other enactment or rule of law relating to the publication of the proceedings of the Parliament, apply to and in relation to the publication of that document as if—
- (a) it were a report to which those sections applied; and
  - (b) it had been published by the Government Printer under the authority of the Parliament."

11. Clause 12, page 27, after line 4 insert—

**"165ARA Tabling in Parliament of documents—advice related to state of emergency declaration, extensions and exercise of emergency powers**

- (1) The Minister must ensure that—
- (a) a copy of—
    - (i) the Chief Health Officer's advice referred to in section 198(1) or (8A)(a) for the first state of emergency declared in respect of the COVID-19 pandemic and all subsequent extensions to that declaration; and
    - (ii) any advice on which the Chief Health Officer relied in giving the advice referred to in subparagraph (i); and
  - (b) a copy of any advice on which the Chief Health Officer or a person authorised under section 199 relied in exercising any emergency power under section 200 in relation to a state of emergency in respect of the COVID-19 pandemic—

is laid before each House of the Parliament, unless a copy of the advice has already been laid before both Houses of the Parliament in accordance with section 198(8A).

- (2) An advice referred to in subsection (1) must be laid before each House of the Parliament within 30 days after the day on which the **Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021** receives the Royal Assent.
- (3) This section applies whether the advice was provided to the Minister, the Chief Health Officer or person authorised under section 199 (as the case requires) before, on or after the commencement of this section."
12. Clause 12, page 27, lines 5 to 31, page 28, lines 1 to 35, page 29, lines 1 to 37, page 30, lines 1 to 36, page 31, lines 1 to 35, page 32, lines 1 to 35 and page 33, lines 1 and 2, omit all words and expressions on these lines.
13. Clause 12, page 33, after line 2 insert—

**"Division 4A—Review by VCAT of pandemic declarations and pandemic orders**

**165AVA Review by VCAT**

- (1) A person subject to a pandemic declaration or a pandemic order, at any time while the declaration or order is in force, may apply to VCAT for a review of the decision to make the declaration or order.
- (2) An application for review must be made within 28 days of the latest of—
- (a) the day on which the pandemic declaration or pandemic order (as the case requires) is made; or
  - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision to make the pandemic declaration or pandemic order, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given."

14. Clause 12, page 70, after line 28 insert—

**"165CQA Limitation on powers in relation to Parliament**

- (1) For the avoidance of doubt, neither of the following may be made or given in relation to the attendance in the parliamentary precincts of a member of the Parliament, or any other person engaged in the normal carrying on of business of the Parliament—
- (a) a pandemic order;
  - (b) a direction made in the exercise of a pandemic management power.

**Note**

Section 19 of the **Constitution Act 1975** provides for the privileges, immunities and powers (parliamentary privilege) of the Council and the Assembly respectively and committees and members thereof. The **Public Health and Wellbeing Act 2008** does not expressly override section 19 of the **Constitution Act 1975**.

- (2) In this section—

***parliamentary precincts*** has the same meaning as it has in the **Parliamentary Precincts Act 2001**."

15. Clause 12, page 70, line 34 and page 71, lines 1 to 5, omit all words and expressions on these lines.
16. Clause 12, page 71, after line 12 insert—

**"165CRA Application of Subordinate Legislation Act 1994 to pandemic declarations and pandemic orders**

- (1) The following instruments are legislative instruments within the meaning of the **Subordinate Legislation Act 1994**—

- (a) a pandemic declaration;
  - (b) an instrument of variation, extension or revocation of a pandemic declaration;
  - (c) a pandemic order;
  - (d) an instrument of variation, extension or revocation of a pandemic order.
- (2) Regulations cannot be made under section 4A of the **Subordinate Legislation Act 1994** exempting an instrument referred to in subsection (1) from the operation of that Act or any specified provision or provisions of that Act, but the following are not required in relation to any proposed instrument—
- (a) consultation under section 12C of that Act;
  - (b) the preparation of a regulatory impact statement under section 12E of that Act.
- (3) An instrument referred to in subsection (1) is subject to disallowance by a House of the Parliament."

17. Clause 17, page 78, line 11, after "premises" insert "(other than residential premises)".

NEW CLAUSE

18. Insert the following New Clause to follow clause 31—

**'31A New section 15 inserted**

After section 14 of the **Parliamentary Committees Act 2003** insert—

**"15 Sub-committee of Public Accounts and Estimates Committee for matters concerning pandemics**

- (1) If the Public Accounts and Estimates Committee is referred a matter relating to, arising out of or connected with—
- (a) the COVID-19 pandemic; or
  - (b) Part 8A of the **Public Health and Wellbeing Act 2008**—

the Public Accounts and Estimates Committee must appoint a sub-committee for the purposes of inquiring into, considering and reporting to the Parliament on that matter.

- (2) The majority of members appointed to a sub-committee referred to in subsection (1) must not be members of the political party forming the Government.
- (3) The chairperson of a sub-committee referred to in subsection (1) must not be a member of the political party forming the Government.
- (4) A report of a sub-committee referred to in subsection (1) is taken to be a report adopted by the Public Accounts and Estimates Committee for the purposes of sections 35 to 37A.

**Note**

A report taken to be adopted by the Public Accounts and Estimates Committee under subsection (4) must be laid before each House of the Parliament in accordance with section 35(1).

- (5) In this section—

***political party*** has the same meaning as in the **Electoral Act 2002**.

**Note**

Division 3 of Part 3 applies to a sub-committee appointed under this section."

Amendments circulated by Mr Hayes (CH02C)

1. Clause 12, page 31, line 17, omit "each" and insert "a".
2. Clause 12, page 31, line 18, omit "each" and insert "a".
3. Clause 12, page 32, line 9, after "Parliament" insert "or a House of the Parliament".
4. Clause 12, page 32, line 15, after "Parliament" insert "or a House of the Parliament".

Amendments and suggested amendments circulated by Ms Symes (JS30C)

1. **Suggested amendment to the Legislative Assembly—**  
Clause 4, after line 14 insert—  
  

**"Detention Appeals Officer** means a person appointed to be a Detention Appeals Officer under section 32A(1);

**Detention Appeals Registrar** means the person appointed to be the Detention Appeals Registrar under section 32F(1);".
2. Clause 4, page 4, after line 21 insert—  
  

**"public authority** has the same meaning as it has in the Charter of Human Rights and Responsibilities;".
3. Clause 4, page 4, lines 22 to 24, omit all words and expressions on these lines.
4. **Suggested amendment to the Legislative Assembly—**  
Clause 4, page 4, after line 33 insert—  

"(2A) In section 3(1) of the Principal Act, the definition of **Detention Review Officer** is repealed."

## NEW CLAUSE

5. **Suggested amendment to the Legislative Assembly—**  
Insert the following New Clause to follow clause 10—  
**'10A Detention Appeals Officers and Registrar**  
  

For section 32A of the Principal Act **substitute—**

**"32A Governor in Council may appoint Detention Appeals Officers**

  - (1) Subject to subsection (2), the Governor in Council, on the recommendation of the Minister, may by instrument appoint a person as a Detention Appeals Officer at any time when a pandemic declaration or a declaration of a state of emergency is in force.
  - (2) A person appointed as a Detention Appeals Officer must be an Australian lawyer of at least 10 years' experience.

**32B Remuneration and allowances**

A person appointed as a Detention Appeals Officer is entitled to the remuneration and allowances determined from time to time by the Governor in Council.

**32C Terms and conditions of appointment**

  - (1) A Detention Appeals Officer —
    - (a) holds office for the period specified in the instrument of appointment, which must not end after the time when the pandemic declaration or declaration of a state of emergency referred to in section 32A(1) ceases to be in force; and
    - (b) is eligible to be reappointed; and
    - (c) holds office on the terms and conditions determined by the Governor in Council.



- (2) A Detention Appeals Officer is not, in respect of the office of Detention Appeals Officer, subject to the **Public Administration Act 2004**.

### **32D Independence of Detention Appeals Officers**

A Detention Appeals Officer —

- (a) must act independently, impartially and in the public interest in the performance of their functions and duties and the exercise of their powers; and
- (b) is not subject to the direction or control of the Secretary or the Minister in relation to the performance of their functions or duties or the exercise of their powers under this Act or the regulations.

### **32E Detention Review Officers taken to be Detention Appeals Officers**

- (1) A person who, immediately before the commencement day, held office as a Detention Review Officer under the old Act is taken to have been appointed as a Detention Appeals Officer under section 32A(1) on and from the commencement day.
- (2) The Governor in Council is taken to have determined the same terms and conditions as applied under the old Act, in respect of a person taken to be appointed as a Detention Appeals Officer because of the operation of subsection (1), to the extent that those terms and conditions are consistent with sections 32A, 32B, 32C and 32D, with the following modifications—
- (a) the Governor in Council may terminate the appointment of the person and the Secretary may not terminate the appointment of the person;
- (b) the terms and conditions on which the person holds office, including in relation to remuneration and allowances, may be later amended by the Governor in Council and not by the Secretary;
- (c) a reference in the original instrument of appointment to a Detention Review Officer is taken to include a reference to a Detention Appeals Officer;
- (d) a reference in the original instrument of appointment to a state of emergency ceasing to exist or be in force is taken to include a reference to a pandemic declaration ceasing to be in force;
- (e) a reference in the original instrument of appointment to the functions, duties and powers of a Detention Review Officer is taken to include a reference to the functions, duties and powers of a Detention Appeals Officer under section 200C and Part 8A of this Act;
- (f) a reference in the original instrument of appointment to the detention under section 200 is taken to include a reference to detention under section 165B(1)(b) or section 165BA(1)(b).

- (3) In this section—

**commencement day** means the day on which this section came into operation;

**Detention Review Officer** has the meaning given by the old Act;

**old Act** means this Act, and regulations and instruments made under this Act, as in force immediately before the commencement day;

**original instrument of appointment** means the instrument of appointment of a person as a Detention Review Officer under the old Act.

### **32F Secretary may appoint Detention Appeals Registrar**

- (1) The Secretary by instrument may appoint a person to be the Detention Appeals Registrar for the purposes of this Act.
- (2) An instrument of appointment of a person as the Detention Appeals Registrar may—

- (a) specify the functions, duties or powers under this Act or the regulations to which the appointment relates; and
    - (b) be made subject to any conditions that the Secretary considers to be appropriate.
  - (3) A person appointed as the Detention Appeals Registrar is employed under Part 3 of the **Public Administration Act 2004**.
  - (4) The Secretary must ensure that the Detention Appeals Registrar has access to such information as may reasonably be required for the performance of the functions and duties and the exercise of the powers of the Detention Appeals Registrar under this Act or the regulations.
  - (5) The Secretary may employ persons under Part 3 of the **Public Administration Act 2004** to assist the Detention Appeals Registrar in the performance of the functions and duties and the exercise of the powers of the Detention Appeals Registrar under this Act or the regulations.".'.
6. Clause 12, page 8, lines 19 to 25, omit all words and expressions on these lines and insert—
- "(2) The Parliament—
- (a) recognises the importance of protecting human rights in managing the serious risk to life, public health and wellbeing presented by the outbreak or spread of pandemics and diseases of pandemic potential; and
  - (b) intends that nothing in this Part displaces the operation of the Charter of Human Rights and Responsibilities; and
  - (c) intends that the Charter of Human Rights and Responsibilities therefore applies to the following—
    - (i) the interpretation of this Part and subordinate instruments made under this Part;
    - (ii) acts done, and decisions made, under this Part by public authorities."
7. Clause 12, page 8, line 31, after "satisfied" insert "on reasonable grounds".
8. Clause 12, page 9, line 17, after "satisfied" insert "on reasonable grounds".
9. Clause 12, page 9, line 24, after "satisfied" insert "on reasonable grounds".
10. Clause 12, page 11, line 14, after "satisfied" insert "on reasonable grounds".
11. Clause 12, page 11, line 34, after "satisfied" insert "on reasonable grounds".
12. Clause 12, page 12, line 27, after "satisfied" insert "on reasonable grounds".
13. Clause 12, page 12, line 34, after "satisfied" insert "on reasonable grounds".
14. Clause 12, page 16, lines 9 to 12, omit all words and expressions on these lines.
15. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 18, lines 3 and 4, after ": see sections 165B(1)(b) and 165BA(1)(b)." insert "Special protections apply to detention under this Part, including the right of a detained person to apply for review by a Detention Appeals Officer of the detention: see Division 6."
16. Clause 12, page 19, line 2, after "following" insert ", if such application, differentiation or variation is relevant to the serious risk to public health posed by the disease specified in the pandemic declaration to which the pandemic order relates".
17. Clause 12, page 19, after line 12 insert—

**"Examples**

A pandemic order might—

- (a) differentiate between persons or classes of person on the basis of their vaccination status in relation to a pandemic disease or a disease of pandemic potential, by restricting persons who are unvaccinated from engaging in specified activities unless they are exempt from vaccination;
- (b) differentiate between persons or classes of person on the basis of age, if age is relevant to the risks to health posed by a pandemic disease or a disease of pandemic potential. For example, a pandemic order might limit the ability of persons or classes of person to receive visitors at, or to move within, residential care facilities.

**Note**

The Minister may only make a pandemic order that the Minister believes is reasonably necessary to protect public health—see section 165AI.

Further, the Charter of Human Rights and Responsibilities applies to subordinate instruments under this Part. Section 165AP(2)(c) and (d) have the effect that when the Minister makes, varies or extends a pandemic order that applies to, differentiates between or varies in its application to persons or classes of person identified by reference to a matter specified in this subsection, the Minister must publish an explanation of whether, in the Minister's opinion, the order does, or does not, limit any human right set out in the Charter of Human Rights and Responsibilities, and an explanation of any limitations identified."

- 18. Clause 12, page 19, lines 13 to 23, omit all words and expressions on these lines.
- 19. Clause 12, page 24, line 6, omit "14" and insert "7".
- 20. Clause 12, page 24, lines 20 to 31, omit all words and expressions on these lines and insert—
  - "(c) in the case of the making, variation, or extension of the order, a statement as to whether, in the opinion of the Minister, the order does or does not limit any human right set out in the Charter of Human Rights and Responsibilities; and
  - (d) if, in the opinion of the Minister, the order as made, varied or extended does limit a human right set out in the Charter of Human Rights and Responsibilities, an explanation of—
    - (i) the nature of the human right limited; and
    - (ii) the importance of the purpose of the limitation; and
    - (iii) the nature and extent of the limitation; and
    - (iv) the relationship between the limitation and its purpose; and
    - (v) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve."
- 21. Clause 12, page 25, line 26, omit "14" and insert "7".
- 22. Clause 12, page 26, line 3, omit "6" and insert "4".
- 23. Clause 12, page 26, line 23, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
- 24. Clause 12, page 26, lines 24 and 25, omit "under section 165AS" and insert "(see section 165AU(1)(b))".
- 25. Clause 12, page 27, lines 9 to 12, omit "Scrutiny of Acts and Regulations Committee may report to each House of Parliament if the Scrutiny of Acts and Regulations Committee" and insert "Pandemic Declaration Accountability and Oversight Committee may report to each House of Parliament if the Pandemic Declaration Accountability and Oversight Committee".
- 26. Clause 12, page 27, lines 15 and 16, omit "laid before Parliament under section 165AQ(1)(a)".
- 27. Clause 12, page 28, lines 1 to 4, omit "A report of the Scrutiny of Acts and Regulations Committee under this section may contain such recommendations as the Committee" and insert "Subject to

subsection (3), a report of the Pandemic Declaration Accountability and Oversight Committee under this section may contain such recommendations as the Pandemic Declaration Accountability and Oversight Committee".

28. Clause 12, page 28, after line 9 insert—
- "(3) The Pandemic Declaration Accountability and Oversight Committee must not recommend that a pandemic order, or an instrument that extends, varies or revokes a pandemic order, should be disallowed in whole or in part unless the Pandemic Declaration Accountability and Oversight Committee has first requested and considered the advice of the Independent Pandemic Management Advisory Committee in relation to the pandemic order concerned."
29. Clause 12, page 28, line 12, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
30. Clause 12, page 28, line 30, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
31. Clause 12, page 29, line 1, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
32. Clause 12, page 29, line 7, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
33. Clause 12, page 29, lines 36 and 37, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
34. Clause 12, page 30, line 16, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
35. Clause 12, page 30, lines 21 and 22, omit "Scrutiny of Acts and Regulations" and insert "Pandemic Declaration Accountability and Oversight".
36. Clause 12, page 31, lines 17 to 20, omit "each House on or before the 12th sitting day of each House after the giving of the notice of the resolution" and insert "a joint sitting of the Legislative Assembly and the Legislative Council held in accordance with subsection (6) and held before the end of the period of 3 months after the giving of the notice of the resolution".
37. Clause 12, page 32, after line 5 insert—
- "(6) At a joint sitting of the Legislative Assembly and the Legislative Council for the purposes of subsection (2)(b)—
- (a) the members have the same privileges and immunities as the members of the Legislative Assembly in relation to proceedings before that House; and
- (b) a question is to be decided by an absolute majority of the total number of the members of the Legislative Assembly and the Legislative Council; and
- (c) in the event of an equality of votes on a question, the question is to be taken to have been determined in the negative."
38. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 35, lines 23 and 24, after "": see section 165A(2)(a) and (b)." insert "Special protections apply to detention under this Part, including the right of a detained person to apply for review by a Detention Appeals Officer of the detention: see Division 6."
39. Clause 12, page 35, line 32, omit "with".
40. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 41, after line 18 insert—

"(2A) Without limiting subsection (2)(c), an explanation under that subsection must include an explanation of the following rights that the person has, or may have, and the processes in respect of those rights—

- (a) the right to complain to the Ombudsman under the **Ombudsman Act 1973**;
- (b) the right to make a complaint under section 185 of this Act; or
- (c) the right to seek review in a court."

41. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 44, lines 6 and 7, omit "Secretary for a review by a Detention Review Officer" and insert "Detention Appeals Registrar for review by a Detention Appeals Officer".

42. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, line 20, omit "Secretary" and insert "Detention Appeals Registrar".

43. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, line 22, omit "Detention Review Officer" and insert "Detention Appeals Officer".

44. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, after line 23 insert—

**"165BIA Secretary and Detention Appeals Registrar to provide relevant information and assistance to Detention Appeals Officers**

- (1) The Secretary and the Detention Appeals Registrar must use their best endeavours to provide a Detention Appeals Officer with all relevant information in their possession including, but not limited to, documents and information mentioned in section 165BJ(3)(ab), as soon as reasonably practicable after an application under section 165BI is received by the Detention Appeals Registrar.
- (2) The Secretary and the Detention Appeals Registrar must use their best endeavours to provide a Detention Appeals Officer with any information requested by the Detention Appeals Officer under section 165BJ(3)(c) within 24 hours after receiving the request.
- (3) The Secretary and the Detention Appeals Registrar must provide all reasonable assistance requested by a Detention Appeals Officer for the purposes of the Detention Appeals Officer considering and deciding applications for review.
- (4) The provision of information under subsection (1) or (2) is authorised or required by law for the purposes of the **Privacy and Data Protection Act 2014** and the **Health Records Act 2001**."

45. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, line 24, omit "**Detention Review Officer**" and insert "**Detention Appeals Officer**".

46. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, line 28, omit "Detention Review Officer" and insert "Detention Appeals Officer".

47. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, lines 30 and 31, omit "Detention Review Officer" and insert "Detention Appeals Officer".

48. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 45, line 34, omit "and the reasons for it, within—" and insert ", the reasons for it and the review rights available to the applicant within 72 hours after the application was received by the Detention Appeals Registrar or within such longer period as is requested by the applicant."

49. **Suggested amendment to the Legislative Assembly—**

Clause 12, page 46, lines 1 to 6, omit all words and expressions on these lines.

50. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, after line 6 insert—
- "(2A) Without limiting subsection (2), the advice under that subsection must include an explanation of the following rights that the person has, or may have, and the processes in respect of those rights—
- (a) the right to complain to the Ombudsman under the **Ombudsman Act 1973**;
  - (b) the right to make a complaint under section 185 of this Act;
  - (c) the right to seek review in a court."
51. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, lines 7 and 8, omit "Detention Review Officer" and insert "Detention Appeals Officer".
52. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, after line 10 insert—
- "(ab) may consider any documents and other information relied upon by the authorised officer who detained the person or extended the detention of the person under section 165B(1)(b) or 165BA(1)(b) and may consider any other information in relation to the person's detention; and
- (ac) must take reasonable steps to contact the applicant in relation to the application; and".
53. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, line 12, omit "Detention Review Officer" and insert "Detention Appeals Officer".
54. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, line 15, omit "Detention Review Officer" and insert "Detention Appeals Officer".
55. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, line 20, omit "Detention Review Officer" and insert "Detention Appeals Officer".
56. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, line 25, omit "Detention Review Officer" and insert "Detention Appeals Officer".
57. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, lines 27 to 31, omit all words and expressions on these lines and insert—
- "(b) subject to subsections (5), (6) and (7), to vary or cease the person's detention."
58. **Suggested amendment to the Legislative Assembly—**  
 Clause 12, page 46, lines 32 to 35 and page 47, lines 1 to 8, omit all words and expressions on these lines and insert—
- "(5) A Detention Appeals Officer must not vary or cease a person's detention under subsection (4)(b) unless the Detention Appeals Officer has consulted and considered the advice of the Chief Health Officer about the proposed variation or cessation.
- Note**
- The Chief Health Officer can delegate powers, duties and functions: see section 22.
- (6) If a Detention Appeals Officer consults the Chief Health Officer about the proposed variation or cessation of a person's detention, the Chief Health Officer must make their best endeavours to provide oral or written advice about the proposed variation or cessation within 24 hours.
  - (7) If the Chief Health Officer provides oral advice under subsection (6), a written record of the advice must be prepared as soon as practicable—
    - (a) by the Chief Health Officer; or

(b) by the Detention Appeals Officer, who must provide a copy of the written record to the Chief Health Officer for endorsement by the Chief Health Officer."

59. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 47, lines 9 to 29, omit all words and expressions on these lines.
60. Clause 12, page 49, line 1, omit "6" and insert "6A".
61. Clause 12, page 49, line 11, omit "120" and insert "60".
62. Clause 12, page 49, line 13, omit "600" and insert "300".
63. Clause 12, page 49, lines 17 to 32 and page 50, lines 1 to 26, omit all words and expressions on these lines.
64. Clause 12, page 50, lines 27 to 35 and page 51, lines 1 to 26, omit all words and expressions on these lines.
65. Clause 12, page 51, lines 27 to 34, and page 52, lines 1 and 2, omit all words and expressions on these lines.
66. Clause 12, page 64, line 13, omit "6" and insert "4".
67. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 67, lines 26 to 30, omit all words and expressions on these lines.
68. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 68, lines 1 to 4, omit all words and expressions on these lines.
69. **Suggested amendment to the Legislative Assembly—**  
Clause 12, page 73, line 14, omit "Detention Review Officer" and insert "Detention Appeals Officer".
70. Clause 12, page 74, line 31, omit "**Review**" and insert "**Independent review**".
71. Clause 12, page 74, line 32, omit "a review" and insert "an independent review".
72. Clause 12, page 75, line 1, before "review" insert "independent".
73. Clause 12, page 75, line 2, omit "2 years" and insert "18 months".
74. Clause 12, page 75, after line 3 insert—
- "(2A) For the purposes of this section, an **independent review** means a review by persons who—
- (a) in the opinion of the Minister, possess appropriate qualifications or expertise to undertake the review; and
- (b) collectively, have qualifications or expertise in public health and law; and
- (c) include one or more persons who are not employed by the State of Victoria or a State agency and have not, since the commencement of this Part, provided services to the State of Victoria or a State agency under or in connection with a contract.
- (2B) In this section—
- State agency** means the following—
- (a) the Crown in right of Victoria;
- (b) a Minister of the Crown in right of Victoria;
- (c) a public service body within the meaning of the **Public Administration Act 2004**;
- (d) an instrumentality of the State of Victoria, including a body corporate established for a public purpose by or under a law of the State of Victoria;

(e) a company in which a controlling interest is held by any one of the following persons, or by 2 or more of the following persons together—

(i) the Crown in right of Victoria;

(ii) a person or body covered by paragraph (b) or (d)."

75. Clause 12, page 75, line 5, before "review" insert "independent".

#### NEW CLAUSES

76. **Suggested amendment to the Legislative Assembly—**  
Insert the following New Clauses to follow clause 14—

##### **'14A Information to be given to detained persons**

After section 200A(1) of the Principal Act **insert—**

"(1A) Without limiting subsection (1)(c), an explanation under that subsection must include an explanation of the following rights that the person has, or may have, and the processes in respect of those rights—

(a) the right to complain to the Ombudsman under the **Ombudsman Act 1973**;

(b) the right to make a complaint under section 185 of this Act;

(c) the right to seek a review in a court."

##### **14B Applications may be made for review of certain decisions in relation to a person subject to detention**

(1) In section 200B(1) and (5) of the Principal Act, for "Secretary" **substitute** "Detention Appeals Registrar".

(2) In section 200B(1) and (5) of the Principal Act, for "Detention Review Officer" **substitute** "Detention Appeals Officer".

(3) In section 200B(5) of the Principal Act, for "made" **substitute** "received".

##### **14C New section 200BA inserted**

After section 200B of the Principal Act **insert—**

**"200BA Secretary and Detention Appeals Registrar to provide relevant information and assistance to Detention Appeals Officers**

(1) The Secretary and the Detention Appeals Registrar must use their best endeavours to provide a Detention Appeals Officer with all relevant information in their possession including, but not limited to, documents and information mentioned in section 200C(3)(ab), as soon as reasonably practicable after an application under section 200B is received by the Detention Appeals Registrar.

(2) The Secretary and the Detention Appeals Registrar must use their best endeavours to provide a Detention Appeals Officer with any information requested by the Detention Appeals Officer under section 200C(3)(b) within 24 hours after receiving the request.

(3) The Secretary and the Detention Appeals Registrar must provide all reasonable assistance requested by a Detention Appeals Officer for the purposes of the Detention Appeals Officer considering and deciding applications for review.

(4) The provision of information under subsection (1) or (2) is authorised or required by law for the purposes of the **Privacy and Data Protection Act 2014** and the **Health Records Act 2001**."

##### **14D Detention Review Officer must decide applications**

(1) For the heading to section 200C of the Principal Act **substitute—**



**"Detention Appeals Officer must decide applications".**

- (2) In section 200C of the Principal Act, for "Detention Review Officer" (wherever occurring) **substitute** "Detention Appeals Officer".
- (3) In section 200C(2) of the Principal Act, for "the reasons for it, within 24 hours after the application was received by the Secretary" **substitute** "the reasons for it, and the review rights available to the applicant, within 72 hours after the application was received by the Detention Appeals Registrar or within such longer period as is requested by the applicant".
- (4) After section 200C(3)(a) of the Principal Act **insert—**
- "(ab) may consider any documents and other information relied upon by the authorised officer who detained the person or extended the detention of the person under section 200 and may consider any other information in relation to the person's detention; and
- (ac) must take reasonable steps to contact the applicant in relation to the application; and".
- (5) For section 200C(4)(b) of the Principal Act **substitute—**
- "(b) subject to subsections (6), (7) and (8), to vary or cease the person's detention.".
- (6) After section 200C(5) of the Principal Act **insert—**
- "(6) A Detention Appeals Officer must not vary or cease a person's detention under subsection (4)(b) unless the Detention Appeals Officer has consulted and considered the advice of the Chief Health Officer about the proposed variation or cessation.
- Note**
- The Chief Health Officer can delegate powers, duties and functions: see section 22.
- (7) If a Detention Appeals Officer consults the Chief Health Officer about the proposed variation or cessation of a person's detention, the Chief Health Officer must make their best endeavours to provide oral or written advice about the proposed variation or cessation within 24 hours.
- (8) If the Chief Health Officer provides oral advice under subsection (7), a written record of the advice must be prepared as soon as practicable—
- (a) by the Chief Health Officer; or
- (b) by the Detention Appeals Officer, who must provide a copy of the written record to the Chief Health Officer for the endorsement of the Chief Health Officer.".

**14E Review referred back to Chief Health Officer**

Section 200D of the Principal Act is **repealed**.'.

77. Clause 16, omit this clause.

78. **Suggested amendment to the Legislative Assembly—**  
Clause 19, after line 29 insert—

**"248CA Applications made under old section 200B**

- (1) If, immediately before the commencement day, an application made by a person under section 200B of the old Act had not been determined, the old Act continues to apply in relation to the determination of the application.
- (2) In this section—

**commencement day** means the day on which Part 2 of the **Public Health and Wellbeing Amendment (Pandemic Management) Act 2021** came into operation;

**old Act** means this Act, and regulations and instruments made under this Act, as in force immediately before the commencement day."

79. Page 82, after line 19 insert the following heading—

**"Part 2A—Establishment of the Pandemic Declaration Accountability and Oversight Committee".**

NEW CLAUSES

80. Insert the following New Clauses to follow clause 19 and the heading proposed by amendment 79—

**'19A Definitions**

In section 3 of the **Parliamentary Committees Act 2003** insert the following definitions—

**"Independent Pandemic Management Advisory Committee** has the same meaning as it has in the **Public Health and Wellbeing Act 2008**;

**pandemic declaration** has the same meaning as it has in the **Public Health and Wellbeing Act 2008**;

**political party** has the same meaning as it has in the **Electoral Act 2002**;"

**19B Establishment of Joint House Committees**

After section 5(h) of the **Parliamentary Committees Act 2003** insert—

"(i) the Pandemic Declaration Accountability and Oversight Committee;"

**19C New section 14A inserted**

After section 14 of the **Parliamentary Committees Act 2003** insert—

**"15 Pandemic Declaration Accountability and Oversight Committee**

The function of the Pandemic Declaration Accountability and Oversight Committee is the function conferred on it by Division 4 of Part 8A of the **Public Health and Wellbeing Act 2008** in relation to scrutiny and disallowance of pandemic orders and instruments that extend, vary or revoke pandemic orders.

**Note**

The Pandemic Declaration Accountability and Oversight Committee may refer a matter to the Ombudsman under section 16(1) of the **Ombudsman Act 1973**."

**19D Membership of Joint Investigatory Committees**

In section 21(2) of the **Parliamentary Committees Act 2003**, for "As" substitute "Subject to section 21A, as".

**19E New section 21A inserted**

After section 21 of the **Parliamentary Committees Act 2003** insert—

**"21A Membership of Pandemic Declaration Accountability and Oversight Committee**

- (1) This section provides for special rules relating to the Pandemic Declaration Accountability and Oversight Committee.
- (2) The members of the Pandemic Declaration Accountability and Oversight Committee must be appointed as soon as practicable after the making of a pandemic declaration.
- (3) The appointments of members of the Pandemic Declaration Accountability and Oversight Committee must be revoked as soon as practicable after the ceasing in force of the pandemic declaration in relation to which they were appointed.
- (4) Subject to this Act, the members of the Pandemic Declaration Accountability and Oversight Committee must be appointed, and their appointments revoked, according to the practice of Parliament relating to the appointment and revocation of appointment of members to joint select committees.

- (5) Not more than half of the members of the Pandemic Declaration Accountability and Oversight Committee may be members of a political party forming the Government."

#### **19F Election of chairperson and deputy chairperson**

- After section 22(1) of the **Parliamentary Committees Act 2003** insert—  
"(1A) The chairperson of the Pandemic Declaration Accountability and Oversight Committee must not be a member of a political party forming the Government."

#### **19G Sitings**

- (1) In section 25(5) of the **Parliamentary Committees Act 2003**, for "A" substitute "Subject to subsection (6), a".
- (2) After section 25(5) of the **Parliamentary Committees Act 2003** insert—
- "(6) Subsection (5)(a) does not apply to the Pandemic Declaration Accountability and Oversight Committee, and a member of that Committee participating in a meeting of that Committee by audio link or audio visual link—
- (a) is present for the purposes of determining whether there is a quorum; and
- (b) may vote on a question arising at the meeting.".

81. Clause 31, omit this clause.
82. Clause 35, line 6, omit "being".
83. Clause 35, line 12, omit "being".

#### **Further amendments circulated by Mr Davis (DD91C)**

1. Clause 12, page 16, after line 12 insert—

##### **"165AHA Extensions to pandemic declarations to be approved by Parliament**

- (1) Despite anything to the contrary in this Division, in order for an extension to a pandemic declaration to continue in force, the extension must be approved by each House of the Parliament within 30 days after the extension is made.
- (2) If an extension to a pandemic declaration is not approved by each House of the Parliament under subsection (1), the extension ceases to be in force on the day after the 30 day period referred to in that subsection."

2. Clause 12, page 71, after line 12 insert—

##### **"165CRA Application of Subordinate Legislation Act 1994 to instruments made under Part 8A**

- (1) An instrument made under Part 8A (other than an instrument made by the Scrutiny of Acts and Regulations Committee) is a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.
- (2) Regulations cannot be made under section 4A of the **Subordinate Legislation Act 1994** exempting an instrument referred to in subsection (1) from the operation of that Act or any specified provision or provisions of that Act, but the following are not required in relation to any proposed instrument—
- (a) consultation under section 12C of that Act;
- (b) the preparation of a regulatory impact statement under section 12E of that Act.
- (3) An instrument referred to in subsection (1) is subject to disallowance by a House of the Parliament."

## 2. CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021

### Amendments circulated by Mr Ondarchie

1. Clause 3, page 4, lines 13 to 15, omit paragraph (b).
2. Clause 18, page 24, lines 27 to 30, omit all words and expressions on these lines and insert—
  - "(4) The Minister must cause a copy of each report given to the Minister under this section to be presented to each House of Parliament within 7 days after receiving the report or, if a House is not then sitting, on the first sitting day of that House after that period."
3. Clause 18, page 24, line 32, after "or the" insert "publication or".

## 3. CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021

### Amendments circulated by Mr Ondarchie

1. Clause 60, page 56, after line 20 insert—
  - "(4) The Minister, by order published in the Government Gazette, may exempt a Council or an Alpine Resort Management Board from the requirements of this section.
  - (5) An exemption under subsection (4)—
    - (a) may be given either unconditionally or on specified conditions; or
    - (b) may be limited to specified circumstances.
  - (6) In deciding whether to give an exemption under subsection (4), the Minister must have regard to—
    - (a) the current waste and recycling services and processes being provided or followed by the Council or Board and the extent to which those services and processes have successfully met community expectations and the Council or Board's requirements; and
    - (b) the level of investment required by the Council or Board to comply with section 60 having regard to the size of the Council's municipal district or the size of the Board's alpine resort."
2. Clause 65, page 60, line 8, omit "28 days" and insert "60 days".
3. Clause 66, line 24, omit "an" and insert "each".
4. Clause 82, page 72, after line 32 insert—
  - "(3A) It is a condition of an appointment under subsection (1) that the Scheme Coordinator must carry out the functions of the Scheme Coordinator on a not-for-profit basis."
5. Clause 89, after line 29 insert—
  - "(5) Subject to subsection (6), the Minister may enter into a network operator agreement for a person to carry out the functions of a network operator in a metropolitan area, a regional area or both.
  - (6) The Minister must not enter into a network operator agreement for a person to carry out the functions of a network operator in both a metropolitan area and a regional area unless the Minister enters into at least one other network operator agreement for another person to carry out the functions of a network operator in that regional area."

6. Clause 91, after line 23 insert—

"(5A) In addition to any renewal under subsection (4), the Minister may renew the appointment of a network operator for any further period if—

(a) after reviewing the operation of the appointment, the Minister is satisfied that, in the circumstances, it is appropriate to do so; and

(b) the network operator agrees to the renewal."

#### 4. EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021

##### Amendments circulated by Ms Maxwell

1. Clause 1, page 2, line 12, for "individuals." insert "individuals; and".

2. Clause 1, page 2, after line 12, insert—

"(e) to provide for a review of the programs and practices of any public agency or authority on request by the Parliament or a Minister."

3. After clause 12, page 8, line 6, insert—

##### **'Division 3—Review of programs and practices**

##### **12A Commission may conduct review of compliance**

After section 151(1A) of the **Equal Opportunity Act 2010**, insert—

"(1B) On request of the Parliament or a Minister, the Commission may review the programs and practices of any government department, public authority, State owned enterprise or municipal council.

(1C) The Commission may disclose a report or documents that relate to the review of programs and practices of government department, public authority, State owned enterprise or municipal council under subsection (1B) if the Commission considers it in the public interest to do so.

(1D) For the purposes of subsection (1A), a request of the Parliament must be made by either House of the Parliament passing a resolution requesting that the Commission undertake a review of a government department, public authority, State owned enterprise or municipal council that is specified in the resolution.

(1E) Subsection (2) applies to a government department, public authority, State owned enterprise or municipal council, as the case requires, in the same way as it applies to a person."

##### Amendments circulated by Dr Ratnam

1. Clause 1, page 2, lines 1 to 3, omit all words and expressions on these lines.

2. Clause 2, lines 16 and 17, omit ", other than Division 2 of Part 2".

3. Clause 2, lines 21 to 24, omit all words and expressions on these lines.

4. Division heading preceding clause 3, line 3, omit all words and expressions on this line.

##### NEW CLAUSE

5. Insert the following New Clause to follow clause 3—

##### **"3A Exception—standards of dress and behaviour**

In section 42(2) of the **Equal Opportunity Act 2010**, omit all words and phrases from and including "a standard" to and including "the standard", **substitute** "the views of the school community are a relevant factor in assessing the reasonableness of the standard".

6. Clause 5, lines 16 to 24, omit all words and expressions on these lines and insert—
  - '(1) For section 82(2) of the **Equal Opportunity Act 2010** substitute—
    - "(2) Nothing in Part 4 applies to anything done by a religious body (except in relation to employment) on the basis of a person's religious belief or activity, or sex, that is reasonable and proportionate in the circumstances, if the thing done—
      - (a) conforms with the doctrines, beliefs or principles of the religious body's religion; or
      - (b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religious body's religion.".'.
7. Clause 7, page 5, after line 10, insert—
  - '(5) After section 83(2) of the **Equal Opportunity Act 2010** insert—
    - "(3) Subsection (2) does not apply to a person after the time of their admission as a student to the religious educational institution.
    - (4) This section does not permit discrimination on the basis of any attribute other than as specified in subsection (2).".'.
8. Division heading preceding clause 10, line 14, omit all words and expressions on this line.
9. Clause 10, omit this clause.
10. Clause 11, omit this clause.
11. Clause 12, omit this clause.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 139, 140 and 141

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#### No. 139 — Tuesday, 8 February 2022

- 1 The President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE ROBERT 'ROBIN' FITZGERALD COOPER** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 23 November 2021, of the Honourable Robert (Robin) FitzGerald Cooper, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electorate of Mornington from 1985 to 2006, and as Minister for Transport from 1997 to 1999.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
Pursuant to Standing Order 5.12, the sitting was suspended for one hour as a further mark of respect to the Honourable Robert 'Robin' FitzGerald Cooper.  
*[Sitting suspended from 11.43 a.m. until 12.49 p.m.]*
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —  
On 7 December 2021 given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —  
*Public Health and Wellbeing Amendment (Pandemic Management) Act 2021*  
On 14 December 2021 given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —  
*Casino and Gambling Legislation Amendment Act 2021*  
*Circular Economy (Waste Reduction and Recycling) Act 2021*  
*Equal Opportunity (Religious Exceptions) Amendment Act 2021.*
- 4 **PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — The President read a letter from Mr Anthony Carbines, Member for Ivanhoe resigning from the Pandemic Declaration Accountability and Oversight Committee, effective from 8 February 2022.
- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) STAFFING** — Ms Symes having given answers to a question without notice and supplementary question relating to the ESTA's staffing —  
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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Cooling standards for rental properties** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Leane due Thursday, 10 February 2022.
- **Melbourne Airport taxi rank** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 10 February 2022.
- **Duck hunting season 2022** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 10 February 2022.
- **Endometriosis treatment – medicinal cannabis** — supplementary question asked by Ms Patten — response from Ms Pulford due Wednesday, 9 February 2022.
- **Small business support** — supplementary question asked by Mr Davis — response from Ms Pulford due Thursday, 10 February 2022.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**7 PETITIONS** —

**RECONSIDER PROPOSED AGED CARE FACILITY AT ST ELMO AVENUE, FERNTREE GULLY** — Mr Barton presented a Petition bearing 232 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with developers and the Knox City Council to consider rebuilding on the current aged care facility site or redesigning the proposed facility at 2-8 St Elmo Avenue, Ferntree Gully, to be a single level structure.

Ordered to lie on the Table.

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**NO SECONDARY LEAD SMELTER IN HAZELWOOD NORTH** — Ms Bath presented a Petition bearing 144 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke the planning approval for the Used Lead Acid Battery recycling facility in Hazelwood North and prioritise the health, safety and wellbeing of Hazelwood North residents and the Latrobe Valley community, honouring their Health Innovation Zone commitment.

Ordered to lie on the Table.

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**RELOCATE PROPOSED MELTON RENEWABLE ENERGY HUB** — Mr Finn presented a Petition bearing 95 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to relocate the proposed Melton Renewable Energy Hub to a location that is several kilometres away from residential properties so that any risk to the local community is mitigated.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

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**OPPOSE THE EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — Mr Finn presented a Petition bearing 6,117 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the Equal Opportunity (Religious Exceptions) Amendment Bill 2021.

Ordered to lie on the Table.

On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.

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**INQUIRY INTO THE OPERATIONS OF EARTH RESOURCES REGULATION** — Mr Hayes presented a Petition bearing 167 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to conduct a wide-ranging inquiry into the operations



of the Earth Resources Regulation unit to determine if it is operating within the scope, spirit and intent of the *Mineral Resources (Sustainable Development) Act 1990* and consistent with the standards expected of a professional and objective regulator.

Ordered to lie on the Table.

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**PROPOSED TRAIN STABLING IN HEATHERTON** — Mr Hayes presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to be transparent in the decision-making process for the proposed train stabling site in Heatherton, to take into consideration the wishes of the City of Kingston residents and find an alternative location for the train stabling site, even if it is more costly.

Ordered to lie on the Table.

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**REVIEW DEVELOPMENT PLANS UNDER BAYSIDE PLANNING SCHEME AMENDMENT C162** — Mr Hayes presented a Petition bearing 258 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke the approval granted by Bayside City Council to Sunkin Property Group's proposed development of the former CSIRO site in Highett, require Bayside City Council to consult directly with resident groups in the Highett community and adhere to the Bayside Planning Scheme Amendment C162, approved by the Minister for Planning.

Ordered to lie on the Table.

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**REMOVE THE COVID-19 VACCINE MANDATE** — Mr Quilty presented a Petition bearing 5,154 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the COVID-19 vaccine mandate, investigate the evidence behind the mandate decisions, such as the medical, ethical and social rationale and its adherence to the World Health Organisation Guidelines, and introduce a health policy that engages other health professionals to complement the medical solution.

Ordered to lie on the Table.

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**IMPROVED PROTECTION FOR VICTORIAN DINGOES AND WILDLIFE RECOGNITION FOR DINGO HYBRIDS** — Dr Ratnam presented a Petition bearing 686 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Energy, Environment and Climate Change to extend wildlife status to dingo-dominant hybrids, cease lethal control of dingoes and dingo hybrids by encouraging guardian animals as an alternative, cease aerial baiting and the 'wild dog' bounty, financially compensate farmers for stock loss due to verified dingo predation and implement a scientifically informed public education program for the general public and farmers, on the ecological and cultural significance of the dingo as an apex predator.

Ordered to lie on the Table.

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**REMOVE ROAD-USER TAX FOR ZERO AND LOW-EMISSION VEHICLES** — Dr Ratnam presented a Petition bearing 492 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the road-user tax for electric, hybrid and zero-emission vehicle owners.

Ordered to lie on the Table.

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**REVIEW 1080 POISON RISK TO HUMAN HEALTH** — Dr Ratnam presented a Petition bearing 155 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately ban the sale and use of 1080 poison, conduct an inquiry into the impacts of the consumption of non-lethal doses of 1080 poison by humans, and advocate for the Australian Pesticides and Veterinary Medicines Authority to review the use of 1080 poison as it is a risk to human health, predominantly Indigenous Australians.

Ordered to lie on the Table.

**8 PAPERS —****NORTH EAST LINK PROGRAM — PRIMARY PACKAGE (TUNNELS) PROJECT SUMMARY**

— Ms Pulford moved, by leave, That there be laid before this House a copy of the North East Link Program's Primary Package (Tunnels) — Project Summary.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE IMPACT OF THE COVID-19 PANDEMIC ON THE TOURISM AND EVENTS SECTORS** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into the impact of the COVID-19 pandemic on the tourism and events sectors.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Patten presented Alert Digest No. 1 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**INTEGRITY AND OVERSIGHT COMMITTEE — REPORT ON THE APPOINTMENT OF A PERSON TO CONDUCT THE INDEPENDENT PERFORMANCE AUDITS OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 15 December 2021, the Acting Clerk laid on the Table a copy of the Integrity and Oversight Committee's Report on the appointment of a person to conduct the independent audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate.

Ms Shing moved, That the Council take note of the Report.

Question — put and agreed to.

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**OMBUDSMAN — INVESTIGATION INTO DECISION-MAKING UNDER THE VICTORIAN BORDER CROSSING PERMIT DIRECTIONS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 7 December 2021, the Acting Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into decision-making under the Victorian Border Crossing Permit Directions, December 2021.

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**BUDGET UPDATE 2021-22** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, and following the transmission of the report on 10 December 2021, the Acting Clerk laid on the Table a copy of the 2021-22 Budget Update.

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**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT ON OPERATION DAWSON: AN INVESTIGATION INTO ALLEGED MISCONDUCT BY A FORMER VICTORIA POLICE SUPERINTENDENT** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, and following the transmission of the report on 16 December 2021, the Acting Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Special report on Operation Dawson: An investigation into alleged misconduct by a former Victoria Police Superintendent, December 2021.

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**REPORT TO PARLIAMENT ON THE MAKING OF A PANDEMIC DECLARATION** — Pursuant to section 165AG(5) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 17 December 2021, the Acting Clerk laid on the Table a copy of the Report to Parliament on the making of a pandemic declaration.

**REPORT TO PARLIAMENT ON THE EXTENSION OF A PANDEMIC DECLARATION** — Pursuant to section 165AG(5) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 17 January 2022, the Acting Clerk laid on the Table a copy of the Report to Parliament on the extension of a pandemic declaration.

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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 Acting Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 30 September 2021 giving approval to the granting of a lease at Flagstaff Gardens Reserve.

Essential Services Commission Act 2001 — Essential Services Commission's Final report on the Inquiry into the Port of Melbourne compliance with the pricing order, 31 December 2021.

Independent Broad-based Anti-corruption Commission — Annual Plan, 2021-22.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 159/2021 (*Gazette No. S3, 6 January 2022*).

Major Events Act 2009 —

Major Sporting Event Order for the 2021 to 2023 Melbourne Marathon Festivals, of 7 December 2021, under section 22 of the Act (*Gazette No. S691, 7 December 2021*).

Major Sporting Event Order for the 2022 to 2026 Australian Open Tennis Tournaments, of 21 December 2021, under section 22 of the Act (*Gazette No. S732, 21 December 2021*).

Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 29 December 2021 (*Ordered to be published*).

Murray-Darling Basin Authority — Report, 2020-21.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contribution Levies, Report, 2020-21, under section 46GZJ of the Act.

Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C175.

Boroondara Planning Scheme — Amendments C341, C369 and C370.

Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira, Swan Hill Planning Schemes — Amendment GC196.

Corangamite Planning Scheme — Amendment C51.

Darebin Planning Scheme — Amendment C206.

East Gippsland Planning Scheme — Amendment C163.

Glen Eira Planning Scheme — Amendments C229, C232 and C236.

Greater Geelong Planning Scheme — Amendment C440.

Hume Planning Scheme — Amendments C259, C260 and C264.

Maribyrnong Planning Scheme — Amendment C173.

Maroondah Planning Scheme — Amendment C130.

Melbourne Planning Scheme — Amendments C323, C390, C408, C419 and C423.

Moonee Valley Planning Scheme — Amendments C200 and C207.

Moreland Planning Scheme — Amendment C179.

Mornington Peninsula Planning Scheme — Amendments C242 and C287.

Port Phillip Planning Scheme — Amendments C161 (Part 2) and C182.

Stonnington Planning Scheme — Amendment C313.

Victoria Planning Provisions — Amendments VC174, VC199, VC204, VC205 and VC207.

Whittlesea Planning Scheme — Amendments C241, C258, C262 and C263.

Yarra Planning Scheme — Amendment C299.

Yarra Ranges Planning Scheme — Amendment C203.

Project Development and Construction Management Act 1994 — Application Order and Nomination Order of 21 December 2021, under sections 6 and 8 of the Act and a statement of reasons for making a Nomination Order of 23 November 2021, under section 9 of the Act.

- Road Safety Act 1986 — Documents in relation to the Order in Council to Amend the Order in Council Declaring Certain Motor Vehicles Not to Be Motor Vehicles — Electric Scooter Trial.
- Statutory Rules under the following Acts of Parliament —
- Commercial Tenancy Relief Scheme Act 2021 — No. 4/2022.
  - Conservation, Forests and Lands Act 1987 — No. 162/2021.
  - County Court Act 1958 — No. 158/2021.
  - Crown Proceedings Act 1958 — No. 152/2021.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 174/2021.
  - Education and Training Reform Act 2006 — No. 160/2021.
  - Essential Services Commission Act 2001 — No. 145/2021.
  - First Home Owner Grant and Home Buyer Schemes Act 2000 — No. 176/2021.
  - Fisheries Act 1995 — Nos. 161/2021 and 163/2021.
  - Gender Equality Act 2020 — No. 177/2021.
  - Health Practitioner Regulation National Law (Victoria) Act 2009 — No. 157/2021.
  - Livestock Management Act 2010 — No. 159/2021.
  - Magistrates' Court Act 1989 — Nos. 167/2021, 168/2021 and 5/2022.
  - Major Transport Projects Facilitation Act 2009 — No. 150/2021.
  - Non-Emergency Patient Transport and First Aid Services Act 2003 — Nos. 148/2021 and 149/2021.
  - Occupational Health and Safety Act 2004 — No. 1/2022.
  - Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 155/2021.
  - Owners Corporations Act 2006 — No. 147/2021.
  - Public Health and Wellbeing Act 2008 — Nos. 156/2021, 165/2021 and 175/2021.
  - Sentencing Act 1991 — No. 170/2021.
  - Service Victoria Act 2018 — No. 154/2021.
  - Spent Convictions Act 2021 — No. 146/2021.
  - Subordinate Legislation Act 1994 — Nos. 173/2021 and 3/2022.
  - Surveillance Devices Act 1999 — No. 169/2021.
  - Transport Accident Act 1986 — No. 166/2021.
  - Transport (Compliance and Miscellaneous) Act 1983 — No. 2/2022.
  - Victims of Crime Assistance Act 1996 — No. 151/2021.
  - Victorian Energy Efficiency Target Act 2007 — Nos. 153/2021 and 171/2021.
  - Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 164/2021.
  - Wildlife Act 1975 — No. 172/2021.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 142/2021, 143/2021, 146/2021 to 149/2021, 152/2021, 153/2021, 155/2021, 158/2021 to 169/2021, 172/2021 to 174/2021, 176/2021, 1/2022, 2/2022 and 5/2022.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Environment Protection Act 2017 —
      - EPA Class Exemption – Exemption from requirement to provide a certificate of conformity for sand filter treatment plants of 2 December 2021.
      - EPA Designation – Classification of PFAS-impacted soil of 17 December 2021.
      - EPA Determination – Specifications acceptable to the Authority for receiving processed organics of 24 November 2021.
    - Food Act 1984 — Variation to declaration and exemptions of classes of food premises and requirements of 3 August 2021.
    - Service Victoria Act 2018 — Service Victoria Identity Verification Standards of 15 January 2022.
  - Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in February 2021.

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Acting Clerk:

Assisted Reproductive Treatment Amendment Act 2021 — section 19 — 21 December 2021 (*Gazette No. S693, 7 December 2021*).

Casino and Gambling Legislation Amendment Act 2021 — Whole Act — 1 January 2022 (*Gazette No. S733, 21 December 2021*).

Education and Training Reform Amendment (Senior Secondary Pathways Reform and Other Matters) Act 2021 — Parts 1 and 4 — 24 December 2021 (*Gazette No. S717, 14 December 2021*).

Energy Legislation Amendment (Energy Fairness) Act 2021 — Division 1 of Part 2 and Division 1 of Part 3 — 31 December 2021 (*Gazette No. S717, 14 December 2021*).

Liquor Control Reform Amendment Act 2021 — Part 1 and sections 4(2), 4(3), 4(5), 11(5), 18, 19(1), 20, 25, 29, 30, 31, 32, 33, 34, 35, 36, 38, 43, 53, 54, 55, 57, 58, 59, 60 and Part 4 — 16 December 2021 — sections 46(2), 47 (except paragraph (a)), 48 and 49 — 31 January 2022 (*Gazette No. S693, 7 December 2021*).

Public Health and Wellbeing Amendment (Pandemic Management) Act 2021 — Division 2 of Part 5 — 8 December 2021 (*Gazette No. S693, 7 December 2021*).

Water and Catchment Legislation Amendment Act 2021 — Part 1, Division 3 of Part 2, Divisions 2 and 3 of Part 4, Part 5 and Part 6, Division 2, 3 and 4 of Part 7 and Part 8 — 1 January 2022 (*Gazette No. S717, 14 December 2021*).

**9 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Wednesday, 9 February 2022 —

- (1) the notice of motion given this day by Ms Crozier on the Emergency Services Telecommunications Authority response times;
- (2) Notice of Motion No. 689, standing in the name of Mr Davis referring a matter relating to the financial position of WorkSafe to the Public Accounts and Estimates Committee;
- (3) Notice of Motion No. 692, in an amended form, standing in the name of Dr Cumming referring a matter relating to the effects of COVID-19 on the physical and mental health of Victorians to the Legal and Social Issues Committee;
- (4) the notice of motion given this day by Mr Somyurek referring additional matters to the Ombudsman for concurrent investigation with her current investigation into allegations concerning 'branch stacking';
- (5) Order of the Day No. 52, resumption of debate on a motion to introduce a Sessional Order for formal pairing arrangements; and
- (6) the notice of motion given this day by Dr Cumming on remote participation.

Question — put and agreed to.

**10 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE MULTI PURPOSE TAXI PROGRAM** — Mr Erdogan moved, by leave, That the Resolution of the Council of 18 February 2021 requiring the Economy and Infrastructure Committee to inquire into and report, by 22 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program, be amended so as to now require the Committee to present its report by no later than 5 April 2022.

Question — put and agreed to.

**11 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO VICTORIA'S CRIMINAL JUSTICE SYSTEM** — Ms Patten moved, by leave, That the Resolution of the Council of 3 June 2020 requiring the Legal and Social Issues Committee to inquire into and report, by no later than 28 February 2022, on various issues associated with the operation of Victoria's justice system, be amended so as to now require the Committee to present its report by no later than 10 March 2022.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.

**14 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Grimley and Ms Maxwell were circulated.

On the motion of Ms Taylor, the debate was adjourned until later this day.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 6, be postponed until later this day.

**16 RACING AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Dr Ratnam moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government introduces legislation to ban the use of the whip in Victorian racing.”.

Debate ensued.

Question — That the reasoned amendment moved by Dr Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

**17 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021** — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Grimley were outside the scope of the Bill —*

Mr Grimley moved, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Victims' Charter Act 2006* to further provide for information that is required to be given to victims.

Question — put and agreed to.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Maxwell were outside the scope of the Bill —*

Mr Grimley (for Ms Maxwell) moved, That it be an instruction to the Committee that they have the power to consider amendments and a New Clause to amend the *Victims' Charter Act 2006* in relation to certain decisions of the Director of Public Prosecutions.

Question — put and agreed to.

Bill 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.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council 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.

**18 SEX WORK DECRIMINALISATION BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP’s Government-commissioned review is released to Members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation.”.

Debate ensued.

Amendments proposed to be moved in Committee by Dr Cumming were circulated.

On the motion of Ms Taylor, the debate was adjourned until later this day.

**19 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDIT OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND VICTORIAN INSPECTORATE** —

The President read a Message from the Assembly informing the Council that they had agreed to the following resolution:

- (1) Under s 170 of the *Independent Broad-based Anti-corruption Commission Act 2011*, Callida Pty Ltd (‘Callida Consulting’) be appointed:
  - (a) to conduct the performance audit of the Independent Broad-based Anti-corruption Commission;
  - (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
  - (c) at the following fixed-fee levels of remuneration:
    - (i) \$66,000, plus GST, upon acceptance of Callida Consulting’s audit plan, representing 20 per cent of the total fee;
    - (ii) \$99,000, plus GST, upon acceptance of Callida Consulting’s progress report, representing 30 per cent of the total fee; and
    - (iii) \$165,000, plus GST, upon acceptance of Callida Consulting’s final draft report, representing 50 per cent of the total fee.
- (2) Under s 90D of the *Victorian Inspectorate Act 2011*, Callida Pty Ltd (‘Callida Consulting’) be appointed:
  - (a) to conduct the performance audit of the Victorian Inspectorate;

- (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
- (c) at the following fixed-fee levels of remuneration:
  - (i) \$21,600, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;
  - (ii) \$32,400, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and
  - (iii) \$54,000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee.

Ms Symes moved, That the Message be taken into consideration on the next day of meeting.

Question — put and agreed to.

**20 MESSAGE FROM ASSEMBLY — JOINT SESSIONAL ORDER** — The President read a Message from the Assembly informing the Council that they have agreed to a new Joint Sessional Order to come into effect immediately on the Council's agreement:

**Joint sittings under the *Public Health and Wellbeing Act 2008* s 165AU**

**Application of standing orders**

- (1) In any matter of procedure not provided for in these rules of procedure, the standing orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

**Hours of sitting**

- (2) Unless otherwise ordered, the hours of sitting each day will be:

9.30 am to 1.00 pm  
 2.00 pm to 6.30 pm  
 8.00 pm to 10.00 pm

**Interruption at 10.00 pm**

- (3) At 10.00 pm the Chair will interrupt debate and a minister must move a motion fixing the next meeting of the joint sitting. Any member speaking at the time of the interruption may, when the joint sitting resumes, continue their speech.

**Relief of Chair**

- (4) A Presiding Officer, the Deputy Speaker or the Deputy President will take the Chair as Acting Chair whenever requested to do so by the Chair without any formal communication.

**Business to be conducted**

- (5) A member who has given notice on a previous day of a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008*, in either the Legislative Council or the Legislative Assembly, may move that motion at a joint sitting without leave or further notice being required.

**Time limit on speeches**

- (6) The following time limits apply to debate on a disallowance motion under paragraph (5):

Chair of the Pandemic Declaration Accountability and Oversight  
 Committee.....10 minutes  
 Lead government speaker.....10 minutes  
 Lead opposition speaker.....10 minutes  
 Any other member.....5 minutes



**Closure**

- (7) (a) Until the expiration of two hours consideration of the disallowance motion, no member may move 'That the question be now put'. Such motion may not be moved by any member who has already spoken on the question and the member so moving will not interrupt any other member who is addressing the Chair. The Chair must put such motion immediately without amendment or debate unless they believe that it is a denial of the rights of the minority.
- (b) On any other question any member may move 'That the question be now put' at any time, but not so as to interrupt a member who is addressing the Chair. The Chair must put such motion immediately without amendment or debate unless they believe that it is a denial of the rights of the minority.

**Entitlement to vote**

- (8) On every question arising in a joint sitting each member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

**Sitting and adjournment**

- (9) A motion for the adjournment of the joint sitting may be moved by a minister.
- (10) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

**Voting on questions**

- (11) Subject to paragraph (12), questions will be decided by a simple majority of members present and voting and, in the event of an equality of votes on a question, the question is taken to have been defeated.
- (12) The question on a motion to disallow in whole or in part a pandemic order or instrument in accordance with s 165AU of the *Public Health and Wellbeing Act 2008* will be decided by an absolute majority of the total number of members of the Legislative Assembly and the Legislative Council.

**Divisions**

- (13) (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a member calling for a division.
- (b) When a division is requested, the Clerk will ring the bells for three minutes.
- (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
- (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
- (e) After the doors are locked the Chair re-states the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by members present in the Chamber and every member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.

- (h) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

Ms Symes moved, That the Message be taken into consideration on the next day of meeting.

Question — put and agreed to.

**21 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

Ms Tierney, having provided an explanation as to why responses to certain adjournment matters had not been provided —

Mr Rich-Phillips moved, That the House take note of the explanation.

Question — put.

The Council divided — The President in the Chair.

AYES, 6

Ms Bath; Ms Crozier; Mr Limbrick; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 11

Mr Elasmarr; Mr Erdogan; Mr Leane; Mr Meddick; Ms Pulford; Ms Shing; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

And then the Council, at 9.53 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 140 — Wednesday, 9 February 2022

- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **CONSTITUTION AMENDMENT (PRAYING) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Constitution Act 1975 to modernise and replace the terminology of praying within that Act and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DECriminalISATION OF POSSESSION AND USE OF DRUGS OF DEPENDENCE) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain offences to be dealt with by way of a drug education or treatment notice and to make consequential and related amendments and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **PUBLIC ADMINISTRATION AMENDMENT (TRIAL OF A FOUR-DAY WORK WEEK) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Public Administration Act 2004 to permit a discrete trial of a four-day work week within the public service and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
Border Groundwaters Agreement Review Committee — Report, 2020-21.

Climate Change Act 2017 — Adaptation Action Plans, 2022-2026, under section 40(1) of the Act for —

- Built Environment Climate Change.
- Education and Training Climate Change.
- Health and Human Services Climate Change.
- Natural Environment Climate Change.
- Primary Production Climate Change.
- Transport Climate Change.
- Water Cycle Climate Change.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**7 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY RESPONSE TIMES** — Ms Crozier moved, That this House —

- (1) expresses its serious concern at the —
  - (a) inadequate operation of the Emergency Services Telecommunications Authority's (ESTA) triple zero service and the failure of ESTA to maintain acceptable response times;
  - (b) worrying number of cases where lives have been put at risk by the extraordinary time delays in responding to calls in country Victoria and Metropolitan Melbourne;
  - (c) failure to promptly dispatch an ambulance in a timely way;
  - (d) cases that have come to public notice where lives have been lost through what appears to be delayed emergency services despatch;
  - (e) resources provided by the Government to ESTA and Ambulance Victoria and the consequent delays in response times; and
- (2) respectfully requests that the Auditor-General examine the operation and management of ESTA and the interaction between ESTA and Ambulance Victoria.

Debate ensued.

Question — put and agreed to.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 689, be postponed until later this day.

**9 LEGAL AND SOCIAL ISSUES COMMITTEE — EFFECTS OF COVID-19 ON THE PHYSICAL AND MENTAL HEALTH OF VICTORIANS** — Dr Cumming moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 1 July 2022, on the effects of COVID-19 on the physical and mental health of Victorians, including but not limited to —

- (1) the provision of mental health services;
- (2) the number of suicides;
- (3) the number and type of presentations at —
  - (a) hospitals;
  - (b) general and allied health practitioners;
  - (c) pathology services;
  - (d) diagnostic services;
- (4) the effects of delays in surgery and diagnostic services, if any, to the Victorian health system and to the health of Victorians;
- (5) the health and learning impacts of school closures on children; and
- (6) any other matter the Committee considers relevant.

Debate ensued.

*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.

**AERIAL FIREFIGHTING CAPACITY** — Ms Symes having given answers to a question without notice and supplementary question relating to aerial firefighting capacity —

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Emergency Services Telecommunications Authority (ESTA) workers – vaccine mandates** — supplementary question asked by Mr Limbrick — response from Ms Symes due Thursday, 10 February 2022.
- **Rapid antigen tests – advice to school parents** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 11 February 2022.
- **Boat ramp maintenance funding** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Friday, 11 February 2022.
- **Aerial firefighting capacity** — substantive question asked by Ms Lovell — response from Ms Symes due Friday, 11 February 2022.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 LEGAL AND SOCIAL ISSUES COMMITTEE — EFFECTS OF COVID-19 ON THE PHYSICAL AND MENTAL HEALTH OF VICTORIANS** — Debate continued on the question, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 1 July 2022, on the effects of COVID-19 on the physical and mental health of Victorians, including but not limited to —

- (1) the provision of mental health services;
- (2) the number of suicides;
- (3) the number and type of presentations at —
  - (a) hospitals;
  - (b) general and allied health practitioners;
  - (c) pathology services;
  - (d) diagnostic services;
- (4) the effects of delays in surgery and diagnostic services, if any, to the Victorian health system and to the health of Victorians;
- (5) the health and learning impacts of school closures on children; and
- (6) any other matter the Committee considers relevant.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negated.

**13 OMBUDSMAN REFERRAL — ALLEGATIONS CONCERNING 'BRANCH STACKING' AND RELATED MATTERS** — Mr Somyurek moved, That this House —

- (1) notes the Resolution of the Council on Wednesday, 17 June 2020 referring a matter to the Ombudsman has led to Operation Watts, a coordinated investigation that the Ombudsman

- is undertaking with the Independent Broad-based Anti-corruption Commission (IBAC) into a range of matters including allegations of ‘branch stacking’ aired in media reports in 2020;
- (2) further to that Resolution, refers the following matters, pursuant to section 16 of the *Ombudsman Act 1973*, as part of an expanded investigation —
- (a) the red shirts scheme, including the role of the then Opposition Leader, the Hon Daniel Andrews MP, in designing, propagating, and facilitating the scheme;
  - (b) all electorate officers and ministerial advisers performing factional tasks during work hours from all factions of the Australian Labor Party (ALP);
  - (c) the extent of branch stacking activities and funding of branch stacking activities, in particular whether government funds have been misdirected to pay for memberships from electorate office budgets, including, but not limited to, through arrangements for the provision of printing, office supplies or other services;
  - (d) the allegations in the 14 August 2021 article published in *The Age* titled ‘*The Chosen Few: How Much is Victoria really Governed?*’, that ALP activists are ‘stacked’ into the public service thus compromising objectivity and professionalism and increasing the risk of corruption;
  - (e) the Premier’s taxpayer funded social media unit staff;
  - (f) the monetising of factional politics through the new trend of occupying the dual role of lobbyists/faction powerbroker to ensure that factional power over Members is not misused for personal financial gain;
- (3) requires the Ombudsman to consider her powers and obligations under the *Ombudsman Act 1973* to refer matters to, and share information with IBAC and other integrity bodies, with a view to expanding the scope of Operation Watts to include the matters referred to in paragraph (2);
- and requires the Clerk to write to the Victorian Ombudsman and the IBAC Commissioner to convey the terms of this Resolution.

Debate ensued.

*The 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, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.
- 15 BUSINESS OF THE HOUSE — ORDER OF BUSINESS** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the Order of Business for the remainder of today to be —
- Ms Burnett-Wake’s Inaugural Speech
  - Statements on reports, papers and petitions (maximum 30 minutes)
  - Government Business (maximum 30 minutes)
  - Adjournment (up to 20 Members).

Question — put and agreed to.

- 16 INAUGURAL SPEECH — MS CATHRINE BURNETT-WAKE** — Pursuant to Standing Order 5.08, Ms Cathrine Burnett-Wake made her inaugural speech.

**17 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**18 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.26 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## **No. 141 — Thursday, 10 February 2022**

**1** The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITION — BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 5 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

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 Acting Clerk:

Family Violence Protection Act 2008 — Report on the implementation of the Family Violence Risk Assessment and Management Framework, 2020-21.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to —

The making of pandemic orders implemented on 15 December 2021.

The variation of pandemic orders implemented on —

20 December 2021.

23 December 2021.

30 December 2021.

6 January 2022.

12 January 2022.

25 January 2022.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 151/2021, 4/2022 and 6/2022.

Victorian Assisted Reproductive Treatment Authority (VARTA) —

Report, 2019-20.

Report, 2020-21.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Acting Clerk:

Education and Training Reform Amendment (Senior Secondary Pathways Reforms and Other Matters) Act 2021 — Part 2 — 11 February 2022 — Remaining provisions — 2 May 2022 (*Gazette No. S62, 8 February 2022*).

Liquor Control Reform Amendment Act 2021 — Sections 4(4) (except paragraph (a)), 8, 9, 10, 11(1), (2), (3) and (4), 12, 13, 15, 16, 17, 19(3) and (4), 39, 41 and 44 — 15 March 2022 (*Gazette No. S62, 8 February 2022*).

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.

**6 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDITS OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE —**

Mr Leane moved, by leave, That the Council agrees with the Assembly and resolves, That —

- (1) under section 170 of the *Independent Broad-based Anti-corruption Commission Act 2011*, Callida Pty Ltd ('Callida Consulting') be appointed:
  - (a) to conduct the performance audit of the Independent Broad-based Anti-corruption Commission;
  - (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
  - (c) at the following fixed-fee levels of remuneration:
    - (i) \$66,000, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;
    - (ii) \$99,000, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and
    - (iii) \$165,000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee;
- (2) under section 90D of the *Victorian Inspectorate Act 2011*, Callida Pty Ltd ('Callida Consulting') be appointed:
  - (a) to conduct the performance audit of the Victorian Inspectorate;
  - (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
  - (c) at the following fixed-fee levels of remuneration:
    - (i) \$21,600, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;
    - (ii) \$32,400, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and
    - (iii) \$54,000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee; and
- (3) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**7 SEX WORK DECRIMINALISATION BILL 2021 —** Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Ondarchie*, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP's Government-commissioned review is released to Members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation."

Amendments proposed to be moved in Committee by Mr Meddick 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.

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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:

- **Voluntary assisted dying applications** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 14 February 2022.
- **COVID-19 impacts on school camps** — substantive question asked by Ms Lovell — response from Ms Pulford due Friday, 11 February 2022.
- **Caulfield Racecourse Reserve tree removal** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 14 February 2022.

- **Victorian digital economy** — substantive question asked by Mrs McArthur — response from Ms Pulford due Friday, 11 February 2022.
- **Duck hunting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 14 February 2022.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**10 SEX WORK DECRIMINALISATION BILL 2021** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Ondarchie*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP’s Government-commissioned review is released to Members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation.”.

Amendments proposed to be moved in Committee by Mr Grimley (three sets) were circulated.

Question — That the reasoned amendment moved by Mr Ondarchie be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 10

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was altered from 60 minutes to 45 minutes.

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*[Sitting suspended from 6.30 p.m. to 7.15 p.m.]*

Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted.

Mr Leane 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, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 10

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with an amendment and requesting their agreement.

**11 CHILDREN, YOUTH AND FAMILIES AMENDMENT (CHILD PROTECTION) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam (three sets) were circulated.

On the motion of Ms Pulford, the debate was adjourned until later this day.

**12 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 22 February 2022.

Question — put and agreed to.

**13 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**14 HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to provide for the appointment of a Chief Quality and Safety Officer, to provide for quality and safety reviews of health service entities, to create a new statutory duty of candour for health service entities, to amend the Public Health and Wellbeing Act 2008 to confer additional functions on the Victorian Perioperative Consultative Council, to make consequential and miscellaneous amendments to the Ambulance Services Act 1986, the Mental Health Act 2014 and the Health Complaints Act 2016 and for other purposes and requesting the agreement of the Council.*

*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.

On the motion of Ms Symes, 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.

**15 LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Management Act 2010 to provide for biosecurity management plans, to create an offence relating to contravening prescribed biosecurity measures and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Symes (for Ms Tierney), 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 Bath), the debate was adjourned for one week.

**16 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005, the Children's Services Act 1996, the Education and Care Services National Law Act 2010, the Education and Training Reform Act 2006, the Electoral Act 2002, the Electoral Boundaries Commission Act 1982, the Essential Services Commission Act 2001, the Financial Management Act 1994, the Housing Act 1983, the Industrial Relations Legislation Amendment Act 2021, the Interpretation of Legislation Act 1984, the Local Government Act 2020, the Parliamentary Committees Act 2003, the Pharmacy Regulation Act 2010, the Public Health and Wellbeing Act 2008 and the Tobacco Act 1987 and to make minor and technical amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 Davis), the debate was adjourned for one week.

**17 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 10.35 p.m., adjourned until Tuesday, 22 February 2022.

ANNE SARGENT  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 139, 140 and 141

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### JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021

*Committed Tuesday, 8 February 2022*

*Amendments circulated: Mr Grimley (p. 1083) and Ms Maxwell (pp. 1083-4)*

**Clause 1** — Mr Grimley moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Ms Maxwell moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Ondarchie; Mr Quilty; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 117** — put and agreed to.

**New Part Heading and New Clauses** — Mr Grimley moved Amendment Nos. 2 and 3.

Question — That the New Part Heading and New Clauses stand part of the Bill — put and agreed to.

**Clauses 118 to 127** — put and agreed to.

**Long title** — Mr Grimley moved Amendment No. 4 — put and agreed to.

Long title, as amended — put and agreed to.

**Bill reported with amendments.**

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**SEX WORK DECRIMINALISATION BILL 2021**

*Committed Thursday, 10 February 2022*

*Amendments circulated: Dr Cumming (p. 1084), Mr Grimley (SG23C, SG24C and SG26C) (pp.1084-9), Mr Leane (p. 1089), Mr Meddick (pp. 1089-91)*

Amendments proposed to be moved in Committee by Mr Leane were circulated.

**Clause 1** — Mr Meddick moved Amendment No. 1 — put and negated.

Clause 1 — put and agreed to.

**Clause 2** — Mr Leane moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**New Clause** — Mr Meddick moved Amendment No. 2.

Question — That the New Clause stand part of the Bill — put and negated.

**Clauses 3 and 4** — put and agreed to.

**Clause 5** — Dr Cumming moved Amendment No. 1.

Question — That clause 5 stand part of the Bill — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Clause 8** — Dr Cumming moved Amendment No. 2.

Question — That clause 8 stand part of the Bill — put and agreed to.

**Clause 9** — Dr Cumming moved Amendment No. 3.

Question — That clause 9 stand part of the Bill — put and agreed to.

**Clause 10** — Dr Cumming moved Amendment No. 4.

Question — That clause 10 stand part of the Bill — put and agreed to.

**Clauses 11 and 12** — put and agreed to.

**Clause 13** — Dr Cumming moved Amendment No. 5.

Question — That clause 13 stand part of the Bill — put and agreed to.

**Clauses 14 to 21** — put and agreed to.

**Clause 22** — Mr Meddick moved Amendment No. 8 — put and negated.

Clause 22 — put and agreed to.

**Clauses 23 to 27** — put and agreed to.

**Clause 28** — Mr Meddick moved Amendment No. 14.

Question — That clause 28 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 29

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 5

Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 29 to 33** — put and agreed to.

**New Clause** — Mr Meddick moved Amendment No. 18.

Question — That the New Clause stand part of the Bill — put and negated.

**Clauses 34 to 38** — put and agreed to.

**Clause 39** — Mr Meddick moved Amendment No. 21 — put and negated.

Clause 39 — put and agreed to.

**Clauses 40 to 43** — put and agreed to.

**New Clause** — Mr Grimley moved Amendment No. 1 (SG26C).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clauses 44 to 56** — put and agreed to.

**Clause 57** — Mr Grimley moved Amendment No. 1 (SG23C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane;  
Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam;  
Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 57 — put and agreed to.

**Clauses 58 to 83** — put and agreed to.

**Bill reported with an amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021***Amendments circulated by Mr Grimley*

1. Clause 1, page 2, after line 26 insert—

"(ca) to amend the **Victims' Charter Act 2006** in relation to information required to be given to victims; and".

2. Page 61, after line 12 insert the following new Part heading—

**"Part 4A—Information required to be given to victims".**

## NEW CLAUSES

3. Insert the following New Clauses to follow clause 117 and the heading proposed by amendment 2—

**'117A Victim impact statements**

After section 13(1) of the **Victims' Charter Act 2006** insert—

"(1A) The prosecuting agency must inform the victim, as soon as reasonably practicable after commencing to deal with that victim, of the victim's entitlement under subsection (1) to make a victim impact statement."

**117B Compensation and financial assistance for victims**

After section 16(2) of the **Victims' Charter Act 2006** insert—

"(3) A prosecuting agency that is dealing with a victim must inform the victim of the victim's possible entitlements under Divisions 1 and 2 of Part 4 of the **Sentencing Act 1991** and refer the victim to any legal assistance available to them.".

## AMENDMENT OF LONG TITLE

4. Long title, after "sentence indications," insert "to amend the **Victims' Charter Act 2006** in relation to information required to be given to victims,".

*Amendments circulated by Ms Maxwell*

1. Clause 1, page 2, after line 26 insert—

"(ca) to amend the **Victims' Charter Act 2006** in relation to certain decisions of the DPP; and".

2. Page 61, after line 12 insert the following new Part heading—

**"Part 4A—Views of victim to be sought by DPP".**

## NEW CLAUSE

3. Insert the following New Clause to follow clause 117 and the heading proposed by amendment 2—

**'117A New section 9D inserted**

After section 9C of the **Victims' Charter Act 2006** insert—

**"9D DPP to provide process for review of certain decisions**

- (1) The DPP must provide a process for review, by the Office of Public Prosecutions, of a relevant decision at a victim's request.
- (2) The DPP must notify a victim as soon as is practicable about their entitlement under subsection (1) to seek review of a relevant decision.
- (3) In this section, **relevant decision** means—
  - (a) a decision of the DPP not to charge a person with the criminal offence; or
  - (b) a decision referred to in section 9B(1)(a), (b) or (c).".'

## AMENDMENT OF LONG TITLE

4. Long title, after "sentence indications," insert "to amend the **Victims' Charter Act 2006** in relation to certain decisions of the DPP,".

**2. SEX WORK DECRIMINALISATION BILL 2021**Amendments circulated by Dr Cumming

1. Clause 5, omit this clause.
2. Clause 8, omit this clause.
3. Clause 9, omit this clause.
4. Clause 10, omit this clause.
5. Clause 13, omit this clause.

Amendments circulated by Mr Grimley (SG23C)

1. Clause 57, after line 9 insert—
  - '(2) After section 6(a) of the **Business Licensing Authority Act 1998** insert—
    - "(ab) to administer the sex service operator certification provisions in Part 2A; and".'
2. Clause 59, after line 23 insert—
  - '(ab) after paragraph (a) **insert**—
    - "(ab) a certificate issued under Part 2A; or"; and'.
3. Clause 60, lines 29 and 30, omit all words and expressions on these lines and insert—
  - '(2) In section 22(2) of the **Business Licensing Authority Act 1998**—
    - (a) paragraph (c) is **repealed**; and
    - (b) after paragraph (b) **insert**—
      - "(d) a certificate issued under Part 2A—"; and
      - (c) after "that Act" **insert** "or Part".



- (3) Section 22(5) of the **Business Licensing Authority Act 1998** is repealed.
- (4) After section 22(9) of the **Business Licensing Authority Act 1998** insert—
- "(10) If a notice is issued under this Part suspending a certificate under Part 2A, the certificate is deemed to be suspended for the purposes of that Part for the licence suspension period."'

## NEW CLAUSE

4. Insert the following new clause after clause 62—

**'62A New Part 2A inserted**

After Part 2 of the **Business Licensing Authority Act 1998** insert—

**"Part 2A—Sex work service provider certificates****19A Definitions**

In this Part—

**certificate** means a certificate issued under section 19C;

**operator** means a person who owns, is a financial beneficiary of, or is involved in the management of a sex work service provider;

**sex work service provider** means a business offering or providing sex work services at a premises;

**sex work services** means the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.

**19B Operators to hold certificates**

- (1) The operator of a sex work service provider must hold a certificate.

Penalty: 55 penalty units.

- (2) In a proceeding for an offence against subsection (1), if the person charged claims that they are a sex worker at a small owner-operated sex work service provider and not the operator of any business that provides sex work services, it is for the person to satisfy the court on the balance of probabilities of that fact.

- (3) Despite subsection (1), an operator is not required to hold a certificate until the day that is 6 months after the commencement of this section.

**19C Application for, and grant of, certificates**

- (1) An eligible person may apply to the Authority for a certificate.
- (2) The application must be in the prescribed form and be accompanied by the prescribed fee.
- (3) The application must include—
  - (a) the applicant's full name, address, occupation and date of birth; and
  - (b) any other names by which the applicant is, or ever has been, known; and
  - (c) the address to which the applicant wishes any certificate and related correspondence to be sent; and
  - (d) a certified copy of the applicant's passport, driver's licence or other official identification containing a photograph of the applicant; and
  - (e) a recent photograph of the applicant in the prescribed form and authenticated in the prescribed manner; and
  - (f) state the following information—

- (i) whether the applicant proposes to operate the sex work service provider in partnership, or otherwise in association, with someone else and if so, the person's name address and occupation and, the person's date of birth; and
  - (ii) the name, address and occupation of the owner of the premises at which the applicant proposes to operate the sex work service provider and, if known to the applicant, the owner's date of birth.
- (4) The Authority must issue a certificate to an applicant if the applicant—
- (a) pays the prescribed fee, supplies a properly completed application form and attaches the required identification and photograph; and
  - (b) is aged 18 years or older; and
  - (c) is not ineligible under section 19D; and
  - (d) is not disqualified under section 19F from holding a certificate.
- (5) If the Authority refuses to issue a certificate to an applicant, the Authority must—
- (a) notify the applicant in writing of the refusal; and
  - (b) give reasons for refusing the applicant; and
  - (c) advise the applicant of the right to a review of the decision under section 19J.

**19D Who is ineligible to apply for a certificate?**

A person is ineligible to apply for a certificate if the person—

- (a) is, in the reasonable opinion of the Authority, in all the circumstances, not a suitable person to carry on business as a sex work service provider, having regard to the character, honesty and integrity of the person; or
- (b) is aged under 18 years; or
- (c) is an insolvent under administration; or
- (d) has had a certificate or other authority under this Act or a corresponding law to provide sex work services cancelled in the past 3 years; or
- (e) has had a licence or other authority under the **Sex Work Act 1994** cancelled in the past 3 years; or
- (f) is disqualified from holding a certificate under section 19F.

**19E Exemption for small owner-operated businesses**

- (1) Despite section 19B(1), up to 4 persons may operate a sex work service provider together without holding a certificate.
- (2) An exemption under subsection (1) does not apply if—
  - (a) clients are managed or directed to the sex work service provider or otherwise attended to by a person who does not work in the business and who performs this function in the course of another business; or
  - (b) a person who works in the business directs clients to a sex worker who does not work in the business; or
  - (c) the business being carried on is associated with another sex work service providing business.

**19F Disqualification from holding certificate**

- (1) A person is disqualified from holding a certificate if the person—

- (a) has been convicted a disqualifying offence specified in subsection (2); or
  - (b) is or has been a member of a declared organisation for the purposes of the **Criminal Organisations Control Act 2012**; or
  - (c) is or has been a declared individual for the purposes of the **Criminal Organisations Control Act 2012**; or
  - (d) is a member of an organisation identified in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**; or
  - (e) has been named in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**.
- (2) The disqualifying offences referred to in subsection (1) are the following—
- (a) an offence against Divisions 1, 2 or 2A of Part I of the **Crimes Act 1958** that is punishable by 2 years imprisonment or more;
  - (b) an offence against the **Firearms Act 1996** that is punishable by 4 years imprisonment or more;
  - (c) an offence against Part V of the **Drugs, Poisons and Controlled Substances Act 1981** that is punishable by 2 years imprisonment or more;
  - (d) attempting or conspiring to commit, or being an accessory after the fact to, an offence specified in paragraph (a), (b) or (c);
  - (e) an offence equivalent to an offence specified in paragraph (a), (b), (c) or (d) that was committed in another state or a territory or in New Zealand.
- (3) A person must not make a false statement in relation to any matter referred to in this section in making an application under section 19C, 19G or 19H.

Penalty: 240 penalty units or two years imprisonment or both.

#### **19G Annual certificate fee and statement**

- (1) A certificate holder must pay to the Authority the relevant prescribed annual certificate fee on each anniversary of the date that the certificate was granted.
- (2) The annual certificate fee may be paid at any time in the 6 weeks before it falls due.
- (3) The payment must be accompanied by a statement in respect of the year up to the date that the payment is made that is in a form approved by the Authority and signed by the certificate holder.
- (4) The statement must contain any information and be accompanied by any documents required by the Authority.

#### **19H Change of Circumstances**

- (1) If a certificate holder becomes ineligible under section 19D or disqualified under section 19F to hold a certificate, the certificate holder must notify the Authority as soon as possible after they become aware of that circumstance.
- (2) If a certificate holder notifies the Authority under subsection (1), the Authority must cancel the certificate.

#### **19I Process of Authority in issuing annual certificates**

If the Authority receives an application for an annual certificate renewal under section 19G the Authority must adopt the process under section 19C in deciding whether to re-issue a certificate.

**19J Right of Review**

- (1) An applicant for a certificate may apply to the Tribunal for a review of a decision made by the Authority under section 19C or 19I.
- (2) An application for review under subsection (1) must be lodged with the Tribunal within 28 days after—
  - (a) notice of the decision was given; or
  - (b) if, under section 45 of the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision—

the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given."

Amendments circulated by Mr Grimley (SG24C)

1. Clause 4, line 14, omit "Minister" and insert "Victorian Law Reform Commission established under the **Victorian Law Reform Commission Act 2000**".
2. Clause 4, line 22, omit "Minister" and insert "Commission".
3. Clause 4, lines 25 to 27, omit all words and expressions on these lines and insert—
  - "(4) The Commission must provide a written report to the Minister as soon as practicable after the review is completed."
4. Clause 4, line 30, omit "the review is completed" and insert "receiving the report under subsection (4)".

Amendments circulated by Mr Grimley (SG26C)

## NEW CLAUSE

Insert the following new clause after clause 43—

**'43A Amendment of Crimes Act 1958**

After Division 11A of Part I of the **Crimes Act 1958** insert—

**"Division 11B—Owning or operating a sex work service provider****321LE Definitions**

In this Division—

**sex work service provider** means a business offering or providing sex work services at a premises.

**sex work services** means the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.

**321LF Prohibition on certain persons owning or operating a sex work service provider**

- (1) A person must not own or operate a sex work service provider, either individually or with another, if the person—
  - (a) has been convicted a disqualifying offence specified in subsection (2); or
  - (b) is or has been a member of a declared organisation for the purposes of the **Criminal Organisations Control Act 2012**; or
  - (c) is or has been a declared individual for the purposes of the **Criminal Organisations Control Act 2012**; or

- (d) is a member of an organisation identified in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**; or
- (e) has been named in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**.

Penalty: 240 penalty units or 2 years imprisonment or both.

- (2) The disqualifying offences referred to in subsection (1) are the following—
- (a) an offence against Divisions 1, 2 or 2A that is punishable by 2 years imprisonment or more;
  - (b) an offence against the **Firearms Act 1996** that is punishable by 4 years imprisonment or more;
  - (c) an offence against Part V of the **Drugs, Poisons and Controlled Substances Act 1981** that is punishable by 2 years imprisonment or more;
  - (d) attempting or conspiring to commit, or being an accessory after the fact to, an offence specified in paragraph (a), (b) or (c);
  - (e) an offence equivalent to an offence specified in paragraph (a), (b), (c) or (d) that was committed in another state or a territory or in New Zealand."

#### Amendments circulated by Mr Leane

Clause 2, line 26, omit "1 March" and insert "10 May".

#### Amendments circulated by Mr Meddick

1. Clause 1, page 2, lines 7 to 9, omit all words and expressions on these lines.

#### NEW CLAUSE

2. Insert the following New Clause to follow clause 2—

#### "2A Definitions

In this Act—

**sex work** means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward;

**sex worker** means a person who performs sex work."

3. Clause 5, after line 3 insert—

(1) In section 3(1) of the **Sex Work Act 1994**, in the definition of **sex work**, for "one person to or for another person (whether or not of a different sex) of sexual services" substitute "a person of services that involve the person participating in sexual activity with another person".

- (2) **Insert** the following definition in section 3(1) of the **Sex Work Act 1994**—

"**sex worker** means a person who performs sex work;"

4. Clause 5, line 4, before "In" insert "(3)".

5. Heading to clause 7, omit "substituted" and insert "repealed".

6. Clause 7, lines 15 to 21, omit all words and expressions on these lines and insert—

"Section 17 of the **Sex Work Act 1994** is **repealed**."

## NEW CLAUSE

7. Insert the following New Clause to follow clause 7—

**"7A Section 18 repealed (advertising regulations)**

Section 18 of the **Sex Work Act 1994** is **repealed**".

8. Clause 22, lines 6 to 10, omit all words and expressions on these lines and insert—

'The register maintained under section 24, as in force immediately before its repeal, must be destroyed as soon as practicable after that repeal.'. '

9. Division heading preceding clause 23, omit this heading.

10. Clause 23, omit this clause.

11. Clause 24, omit this clause.

12. Clause 25, omit this clause.

13. Clause 26, omit this clause.

14. Clause 28, omit this clause.

15. Clause 29, lines 25 to 33, omit all words and expressions on these lines.

16. Clause 30, omit this clause.

17. Clause 32, omit this clause.

## NEW CLAUSE

18. Insert the following New Clause before clause 34—

**'33A Definitions**

**Insert** the following definitions in section 4(1) of the **Equal Opportunity Act 2010**—

"**sex work** means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward;

**sex worker** means a person who performs sex work;". '

19. Clause 34, line 4, before "After" insert "(1)".

20. Clause 34, after line 6 insert—

'(2) After section 6(pa) of the **Equal Opportunity Act 2010** insert—

"(pb) sex work or sex worker;". '

21. Clause 39, lines 14 to 17, omit "(including the supply of a drug of dependence within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**)".

22. Clause 42, page 22, lines 20 to 24, omit all words and expressions on these lines.

23. Clause 42, page 23, lines 1 to 4, omit "(including the supply of a drug of dependence with the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**)".

24. Clause 42, page 23, line 9, omit "person; or" and insert "person."

25. Clause 42, page 23, lines 10 to 14, omit all words and expressions on these lines.

26. Clause 44, omit this clause.

27. Clause 45, omit this clause.

28. Clause 46, omit this clause.

## NEW CLAUSE

29. Insert the following New Clause before clause 47—

**'46A New Division 3A of Part I inserted**

After section 38 of the **Summary Offences Act 1966** insert—

**"Division 3A—Commercial sexual services****38A Definitions**

In this Division—

**child** means a person who is under 18 years of age;

**commercial sexual services** has the same meaning as in section 35(1) of the **Crimes Act 1958**."

30. Clause 47, line 16, omit "38B" and insert "38A".

31. Clause 48, omit this clause.

32. Clause 49, omit this clause.

33. Clause 50, omit this clause.

34. Clause 58, line 14, omit "paragraph (a) of".

35. Clause 58, lines 16 to 18, omit all words and expressions on these lines and insert—

"Penalty: (a) in relation to information acquired or obtained under the **Sex Work Act 1994** before its repeal, 60 penalty units;  
(b) in any other case, 5 penalty units."







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 142, 143 and 144

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#### No. 142 — Tuesday, 22 February 2022

- 1 The President took the Chair at 11.34 a.m., 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 15 February 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022*  
*Racing Amendment Act 2022.*
- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**BULLYING ALLEGATIONS** — Ms Symes having given answers to a question without notice and supplementary question relating to allegations of bullying of a Member —  
On the motion of Mr Davis, 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.  
**WORKSAFE INVESTIGATION OF BULLYING ALLEGATIONS** — Ms Stitt having given answers to a question without notice and supplementary question relating to a WorkSafe investigation of bullying allegations made by a Member —  
On the motion of Mr Davis, 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.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Commercial passenger vehicle reform** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 24 February 2022.
  - **Duck hunting season 2022** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 24 February 2022.
  - **Emergency Services Telecommunications Authority** — substantive and supplementary questions asked by Ms Crozier — response from Ms Symes due Thursday, 24 February 2022.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 PETITIONS —**

**NO GOVERNMENT INTERFERENCE IN ACCESS TO IVF TREATMENT** — Ms Bath presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to guarantee that access to IVF and fertility treatments will not be interfered with in the future to ensure that the opportunity for women to have a child is not jeopardised.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP KOALA HABITAT LOSS IN GORDON** — Mr Meddick presented a Petition bearing 1,688 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prevent further decline of the region's koalas and halt the clearfelling of the blue gum plantation at the intersection of Cartons Road and the Western Freeway in Gordon, as it is a known koala habitat.

Ordered to lie on the Table.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 2 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Caulfield Racecourse Reserve Trust — Minister's report of receipt of the 2020-21 report.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Ballarat Planning Scheme — Amendment C232.
- Benalla Planning Scheme — Amendment C42.
- Frankston Planning Scheme — Amendment C141.
- Greater Dandenong Planning Scheme — Amendment C235.
- Greater Geelong Planning Scheme — Amendment C399.
- Hepburn Planning Scheme — Amendment C80.
- Loddon Planning Scheme — Amendment C45.
- Maribyrnong Planning Scheme — Amendment C163.
- Monash Planning Scheme — Amendment C163 (Part 1).
- Moonee Valley Planning Scheme — Amendment C194.
- Nillumbik Planning Scheme — Amendment C137.
- Northern Grampians Planning Scheme — Amendment C60.
- Victoria Planning Provisions — Amendment VC200.
- Wodonga Planning Scheme — Amendment C135.
- Wyndham Planning Scheme — Amendment C258.
- Yarra Planning Scheme — Amendment C191.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on 4 February 2022.

Statutory Rules under the following Acts of Parliament —

- Births, Deaths and Marriages Registration Act 1996 — No. 9/2022.
- County Court Act 1958 — No. 10/2022.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 13/2022.
- Education and Training Reform Amendment Act 2006 — No. 6/2022.
- Occupational Health and Safety Act 2004 — No. 137/2021.
- Pollution of Waters by Oil and Noxious Substances Act 1986 — No. 7/2022.
- Public Health and Wellbeing Act 2008 — No. 14/2022.
- Relationships Act 2008 — No. 11/2022.
- Road Safety Act 1986 — Nos. 135/2021 and 136/2021.
- Severe Substance Dependence Treatment Act 2010 — No. 8/2022.
- Subdivision Act 1988 — No. 134/2021.

Subordinate Legislation Act 1994 — No. 12/2022.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 3, 7, 8, 10 and 13.

Legislative Instruments and related documents under section 16B in respect of —

Drugs, Poisons and Controlled Substances Act 1981 — Minister's Notice under section 35A of the Act of Specified Circumstance Exempting Requirement for a Schedule 8 Permit of 11 February 2022.

Education and Training Reform Act 2006 — Ministerial Order No. 1358 – Order amending Ministerial Order No. 1125 – Procedures for Suspension and Expulsion of Students in Government Schools of 3 February 2022.

Victorian Inspectorate — Report on surveillance device records inspected during the period 1 January to 30 June 2021, under section 30Q(3) of the Surveillance Devices Act 1999.

**7 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 23 February 2022 —

- (1) Order of the Day No. 2, second reading of the Drugs, Poisons and Controlled Substances Amendment (Decriminalisation of Possession and Use of Drugs of Dependence) Bill 2022;
- (2) Order of the Day No. 5, second reading of the Road Safety Amendment (Hoon Events) Bill 2021;
- (3) the notice of motion given this day by Mr Davis on the production of documents relating to the Government's social housing tax;
- (4) the notice of motion given this day by Mr Davis referring matters relating to the financial position of WorkSafe and the operations of the Port of Melbourne lease to the Public Accounts and Estimates Committee;
- (5) the notice of motion given this day by Mr Limbrick on vaccine mandates; and
- (6) the notice of motion given this day by Mr Davis on mandatory mask rules.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691 and Orders of the Day, Government Business, Nos. 1 to 8, be postponed until later this day.

**10 MAJOR EVENTS LEGISLATION AMENDMENT (UNAUTHORISED TICKET PACKAGES AND OTHER MATTERS) BILL 2021** — 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.

**11 SEX WORK DECRIMINALISATION BILL 2021** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.

**12 SERVICE VICTORIA AMENDMENT BILL 2021** — 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.

**13 INTEGRITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — The President read a letter from Ms Jill Hennessy, Member for Altona, resigning from the Integrity and Oversight Committee, effective from Tuesday, 22 February 2022.

**14 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.05 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

**No. 143 — Wednesday, 23 February 2022**

1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **THE LATE DENISE MARGARET ALLEN** — The President advised the House of the death, on 22 January 2022, of Ms Denise Margaret Allen, Member of the Legislative Assembly for the Electoral District of Benalla from 2000 to 2002.

Members stood in their places as a mark of respect to the memory of the late Ms Denise Allen.

3 **HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Charter of Human Rights and Responsibilities Act 2006 to establish a right to housing, to amend the Housing Act 1983 to set a target of ending homelessness in Victoria by 2030, to require a plan to be developed to meet the target and to require annual reporting on progress towards the target and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Business Continuity During COVID-19, February 2022 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 — Minister's Order of 22 December 2021 giving approval to the granting of a licence at Flinders Foreshore Reserve.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DECriminalISATION OF POSSESSION AND USE OF DRUGS OF DEPENDENCE) BILL 2022** — 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 Taylor, the debate was adjourned for two weeks.

7 **ROAD SAFETY AMENDMENT (HOON EVENTS) BILL 2021** — Mr Grimley laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Grimley moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

8 **PRODUCTION OF DOCUMENTS — SOCIAL HOUSING TAX** — Mr Davis moved, That this House —

(1) expresses concern at the negative impact of the Andrews Labor Government's social housing tax on residential developments and housing affordability in Metropolitan Melbourne, Geelong, Bendigo and Ballarat; and

(2) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all modelling, business case documents, and other assessments or examinations relating to

the impact of the new tax on housing affordability and the consequent capacity of young families to purchase a home.

Debate ensued.

Question — put and agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 709 and 708, be postponed until later this day.

**10 MANDATORY MASK RULES** — Ms Crozier (for Mr Davis) moved, That this House calls on the Andrews Labor Government to immediately remove mandatory mask rules in all indoor settings, including primary schools and for hospitality and retail employees, and only mandate that masks be worn in special narrow settings, such as in health care.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Hotel accommodation program for homelessness** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Friday, 25 February 2022.
- **Air purification advice to schools** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 25 February 2022.
- **PFAS contamination in wetlands** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 25 February 2022.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 MANDATORY MASK RULES** — Debate continued on the question, That this House calls on the Andrews Labor Government to immediately remove mandatory mask rules in all indoor settings, including primary schools and for hospitality and retail employees, and only mandate that masks be worn in special narrow settings, such as in health care.

Question — put and agreed to.

**14 VACCINE MANDATE FOR WORKERS** — Mr Limbrick moved, That this House —

(1) notes that —

- (a) the vaccine mandate for workers came into effect on 7 October 2021 with a deadline to receive the first dose of a COVID-19 vaccine on 22 October 2021;
- (b) this has led to significant negative consequences, including workers being denied employment for four months;
- (c) the Minister for Health notes in the Statement of Reasons, dated 12 January 2022, that the mandate may be particularly onerous for parents and may disproportionately affect women;
- (d) in the *Acting Chief Health Officer (CHO) Advice to Minister for Health*, dated 10 January 2022, the Acting CHO notes that “I have considered a consistent one-size-fits-all approach to vaccination mandates for all workforces and even for the general community but, at this time, I do not consider this to be a proportionate response...”;
- (e) in the 4 February 2022 article published in *The Conversation*, ‘Is it time to rethink vaccine mandates for dining, fitness and events?’, four out of five experts interviewed agreed that vaccine mandates should be reviewed;

(2) calls on the Government to immediately revoke the *Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 3)* and the *Pandemic (Open Premises) Order 2022 (No. 5)*;

(3) refers this motion to the Independent Pandemic Management Advisory Committee (IPMAC) and requests the IPMAC consider reviewing the pandemic orders identified in paragraph (2) and provide advice to the Minister for Health;

and requires the Clerk to write to the Chair of the IPMAC to convey the terms of this Resolution.

Debate ensued.

Question — put and agreed to.

**15 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REFERRALS — FINANCIAL POSITION OF WORKSAFE — OPERATIONS OF THE PORT OF MELBOURNE LEASE —**

Mr Rich-Phillips (for Mr Davis) moved, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report —

- (1) by 30 June 2022, on the financial position of WorkSafe and its administered WorkCover insurance scheme, including but not limited to the —
  - (a) financial sustainability of the scheme;
  - (b) ability of the scheme to assure employees that proper financial and medical support will be received into the future;
  - (c) level of premiums paid by employers;
  - (d) the impact of any potential increased premiums on employment state-wide;
- (2) by 30 September 2022, on the operations of the Port of Melbourne lease, including but not limited to —
  - (a) the impact on the price of consumer items due to the outcomes of the lease;
  - (b) the failure of the operators to comply with their obligations to run the port efficiently for the long-term interests of users and Victorian consumers;
  - (c) issues of significant and sustained non-compliance with the pricing order during the review period;
  - (d) why the Port of Melbourne's power has not been effectively constrained in relation to the process for setting or reviewing rents or associated payments payable by its tenants;
  - (e) the ability of current legislation, Port Concession Deed and other contractual arrangements to constrain the Port of Melbourne's power;
  - (f) the Port of Melbourne's use of a broad range of negotiation strategies and processes to drive higher rent outcomes that are not appropriate in a monopoly market, where tenants at the port face significant barriers in pursuing and securing alternative suppliers of suitable land;
  - (g) whether the Port of Melbourne's exercise of its power has caused material detriment; and
  - (h) whether further economic regulation is justified to ensure there is mitigation of the ability of the Port to exercise power through rent seeking.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Rich-Phillips.*

**16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**17 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.26 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 144 — Thursday, 24 February 2022

1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS** —

**SAVE THE NATIVE TIMBER INDUSTRY** — Ms Bath presented a Petition bearing 353 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government

to overturn its flawed and appalling decision to shut down the native timber industry and close loopholes that allow legal action by green lawfare groups to shut down harvesting operations.

Ordered to lie on the Table.

\* \* \* \* \*

**SHELTERS FOR LOCAL TRAM AND BUS STOPS** — Ms Crozier presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to respond to the needs of public transport commuters in the Hawthorn electorate by constructing adequate shelters at tram stop 48 on Riversdale Road in Camberwell, tram stop 36 on Riversdale Road in Hawthorn East, the bus stop at the intersection of Daphne and Canterbury Road in Canterbury and any other tram and bus stops in the electorate that warrant the construction of similar shelters.

Ordered to lie on the Table.

### 3 PAPERS —

**VICTORIAN GOVERNMENT REPORT 2021 — ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Annual Report 2021 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

The Report was presented by Ms Symes 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:

Australian Children's Education and Care Quality Authority — Report, 2020-21.

Crown Land (Reserves) Act 1978 —

Minister's Order of 12 December 2021 giving approval to the granting of a lease and licence at Old Springfield Cheese Factory.

Minister's Order of 22 December 2021 giving approval to the granting of a licence at Flinders Foreshore Reserve.

Education and Care Services National Law Act 2010 — National Education and Care Services Freedom of Information Commissioner, Privacy Commissioner and Ombudsman — Report, 2020-21.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos.156/2021 and 17/2022 to 19/2022.

Legislative Instruments and related documents under section 16B in respect of a Determination of Gaming Machine Entitlement Allocation and Transfer Rules of 14 February 2022 under the Gambling Regulation Act 2003.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Energy Legislation Amendment (Energy Fairness) Act 2021 — Remaining Provisions — 1 March 2022 (*Gazette No. S87, 22 February 2022*).

Terrorism (Community Protection) Amendment Act 2021 — Sections 5(3), 8(1) (other than paragraph (b)), 9(2) (other than paragraph (b)), 9(3), 12, 13, 15(7), 15(8), 15(9), 15(10), 15(11), 17, 18(2) and 29 — 24 February 2022 (*Gazette No. S87, 22 February 2022*).

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 8 March 2022.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.

- 7 DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS) BILL 2021**  
— 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 —*

- 8 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) — EMERGENCY CALLS PROCESS** — Ms Symes having given answers to a question without notice and supplementary question relating to the ESTA's emergency calls process —

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:

- **Political donations disclosure** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 28 February 2022.
- **Victoria Police property storage management** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 28 February 2022.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 10 DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS) BILL 2021**  
— 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 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.

- 11 HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021** — 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 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 and the Livestock Disease Control Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.



- 13 WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, the Legal Profession Uniform Law Application Act 2014, the Occupational Health and Safety Act 2004, the Workplace Injury Rehabilitation and Compensation Act 2013 and the Victims of Crime Assistance Act 1996 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie, the debate was adjourned for one week.
- 14 ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Alpine Resorts (Management) Act 1997 to repeal the establishment of the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council by that Act, to establish Alpine Resorts Victoria, to make consequential and related amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Pulford (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.
- Ms Pulford moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.
- Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- And then the Council, at 5.51 p.m., adjourned until Tuesday, 8 March 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 142, 143 and 144

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### **DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS) BILL 2021**

*Committed Thursday, 24 February 2022*

**Clauses 1 to 40** — put and agreed to.

**Bill reported without amendment.**

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### **HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021**

*Committed Thursday, 24 February 2022*

**Clauses 1 to 33** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 145, 146 and 147

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#### No. 145 — Tuesday, 8 March 2022

- 1 The President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **DEATH OF SHANE KEITH WARNE** — The President made a statement on the late Mr Shane Warne, following his death on 4 March 2022.  
Members stood in their places as a mark of respect to the memory of the late Mr Warne.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 1 March 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Domestic Animals Amendment (Reuniting Pets and Other Matters) Act 2022*
  - Health Legislation Amendment (Quality and Safety) Act 2022*
  - Major Events Legislation Amendment (Unauthorised Ticket Packages and Other Matters) Act 2022*
  - Service Victoria Amendment Act 2022*
  - Sex Work Decriminalisation Act 2022.*
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) STAFFING** — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA staffing —  
On the motion of Mr Davis, 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.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Vaccination requirements for health workers** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 10 March 2022.
  - **Emergency Services Telecommunications Authority staffing** — substantive question asked by Mr Davis — response from Ms Symes due Wednesday, 9 March 2022.
  - **Taxi fares review** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 10 March 2022.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 6 PETITION — RESTRICT DEVELOPMENT IN ROSANNA UNDER BANYULE PLANNING SCHEME AMENDMENT C160** — Mr Atkinson presented a Petition bearing 47 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restrict any further development of land within the Rosanna railway precinct under Banyule Planning Scheme Amendment C160 and planning permit application P384/2021 until a maximum building height of four storeys with no reduction to car parking requirements is applied.

Ordered to lie on the Table.

- 7 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NO NEW OIL OR GAS ACTIVITIES) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to prohibit the grant or renewal of petroleum titles that authorise petroleum activities to be carried out in the offshore area and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 8 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 3 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE PARLIAMENTARY BUDGET OFFICER** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 7 March 2022, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the Inquiry into the Parliamentary Budget Officer.

On the motion of Mr Davis, the Government Response was ordered to be taken into consideration on the next day of meeting.

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**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO MANAGEMENT OF CHILD SEX OFFENDER INFORMATION** — Pursuant to Standing Order 23.30(2)(b), and following the transmission of the report on 7 March 2022, the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Report on the Inquiry into management of child sex offender information.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Order of 8 February 2019 giving approval to the granting of a lease at Albert Park.

Gambling Regulation Act 2003 — Documents under sections 6A.3.14(1)(b)(ii) and 6A.3.14(1)(c)(ii) of the Act for Keno licences and related agreements issued to —  
Keno (VIC) Pty Ltd.

Lottoland Australia Pty Ltd.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2020-21 report, together with an explanation for the delay.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2021-22 Budget Estimates.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C225.

Benalla Planning Scheme — Amendment C41.

Boroondara Planning Scheme — Amendment C353 (Part 1).

Cardinia Planning Scheme — Amendment C240.

Corangamite Planning Scheme — Amendment C55.

- Darebin Planning Scheme — Amendment C200.  
 Gannawarra Planning Scheme — Amendment C46.  
 Greater Dandenong Planning Scheme — Amendment C211.  
 Greater Shepparton Planning Scheme — Amendments C210 and C238.  
 Hobsons Bay Planning Scheme — Amendment C131.  
 Kingston Planning Scheme — Amendment C197.  
 Latrobe Planning Scheme — Amendment C135.  
 Mansfield Planning Scheme — Amendment C47.  
 Melbourne Planning Scheme — Amendment C356.  
 Moira Planning Scheme — Amendment C95.  
 Mornington Peninsula Planning Scheme — Amendments C263 and C281.  
 Nillumbik Planning Scheme — Amendment C129.  
 Queenscliffe Planning Scheme — Amendment C38.  
 South Gippsland Planning Scheme — Amendment C127.  
 Stonnington Planning Scheme — Amendment C315.  
 Strathbogie Planning Scheme — Amendment C84.  
 Whittlesea Planning Scheme — Amendment C226.  
 Wodonga Planning Scheme — Amendments C134 and C136.
- Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —  
 11 February 2022.  
 13 February 2022.  
 18 February 2022.  
 20 February 2022.
- Statutory Rules under the following Acts of Parliament —  
 Bus Safety Act 2009 — No. 17.  
 Drugs, Poisons and Controlled Substances Act 1981 — No. 16.  
 Guardianship and Administration Act 2019 — No. 15.  
 Road Safety Act 1986 — No. 19.  
 Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 18.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 154/2021, 177/2021, 9/2022, 11/2022, 12/2022 and 14/2022 to 16/2022.
- Victorian Environmental Assessment Council Act 2001 — Notice of amendment to the Victorian Environmental Assessment Council for an assessment of forest values in the Immediate Protection Areas in the Strathbogie Ranges and Mirboo North, under section 26C of the Act.
- Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 —  
 Burndap Birrarung Burndap Umarkoo — Yarra Strategic Plan — A 10-year plan for the Yarra River corridor – 2022 to 2032, under section 39 of the Act.  
 Notice of Approval of the Burndap Birrarung Burndap Umarkoo (Yarra Strategic Plan), dated 16 February 2022, under section 39 of the Act (*Gazette No. G8, 24 February 2022*).

- 9 BUSINESS OF THE COUNCIL** — Ms Maxwell moved, by leave, That precedence be given to the following General Business on Wednesday, 9 March 2022 —
- (1) Order of the Day No. 1, second reading of the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2022;
  - (2) the notice of motion given this day by Ms Maxwell on support for victims of crime;
  - (3) the notice of motion given this day by Ms Maxwell on victim impact statements;
  - (4) the notice of motion given this day by Ms Vaghela on bullying;
  - (5) Order of the Day No. 55, resumption of debate on a motion referring matters relating to the financial position of WorkSafe and the operations of the Port of Melbourne lease to the Public Accounts and Estimates Committee;
  - (6) Order of the Day No. 1, listed for a future day, resumption of debate on the Drugs, Poisons and Controlled Substances Amendment (Decriminalisation of Possession and Use of Drugs of Dependence) Bill 2022;

- (7) Notice of Motion No. 669 standing in the name of Ms Patten on Opioid Agonist Therapy; and  
 (8) Order of the Day No. 48, resumption of debate on a motion to introduce a Sessional Order for formal pairing arrangements.

Question — put and agreed to.

- 10 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO VICTORIA'S CRIMINAL JUSTICE SYSTEM** — Ms Patten moved, by leave, That the Resolutions of the Council of 3 June 2020 and 8 February 2022 requiring the Legal and Social Issues Committee to inquire into and report, by no later than 10 March 2022, on various issues associated with the operation of Victoria's justice system, be amended so as to now require the Committee to present its report by no later than 7 April 2022.

Question — put and agreed to.

- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691 and Order of the Day, Government Business, No. 1, be postponed until later this day.

- 13 ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022** — 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.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 6, be postponed until later this day.

- 15 WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Dr Ratnam moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by Tuesday, 5 April 2022, on Part 5 of the Workplace Safety Legislation and Other Matters Amendment Bill 2021, including but not limited to —

- (1) the potential impact of Part 5 on the existing firefighters' presumptive rights scheme;
- (2) the evidentiary and scientific basis for the proposal to extend firefighters' presumptive rights to a cohort other than firefighters; and
- (3) the most appropriate mechanism to provide presumptive rights to vehicle and equipment maintenance employees or other employees of Fire Rescue Victoria and the Country Fire Authority.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 7

Mr Barton; Dr Cumming; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*



Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

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.

- 16 VICTORIA POLICE AMENDMENT BILL 2022** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Police Act 2013 to address defects in relation to the appointment of police officers to act as Assistant Commissioners and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney, the Bill was read a first time.

Pursuant to Standing Order 14.34, Ms Tierney declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

Debate ensued.

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.

- 17 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.03 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 146 — Wednesday, 9 March 2022**

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS** —

**REMOVE BLANKET COVID-19 VACCINATION MANDATES** — Mr Atkinson presented a Petition bearing 102 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove COVID-19 vaccine mandates immediately in order to save hundreds of thousands of jobs as the current mandates are not justified with the plummeting COVID-19 numbers.

Ordered to lie on the Table.

\* \* \* \* \*

**CEASE THE NORTH EAST LINK PROJECT** — Mr Hayes presented a Petition bearing 257 signatures from certain citizens of Victoria requesting that the Legislative Council support a

motion for the Government to cease all works and commence a public review of the project incorporating a comprehensive public transport and freight transport planning review centred on Melbourne's north east.

Ordered to lie on the Table.

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**HALT LIGHT POLE PLACEMENTS AROUND LAKE WENDOUREE** — Mrs McArthur presented a Petition bearing 1,507 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to halt the project of placing 225 light poles around the Steve Moneghetti Track in Lake Wendouree and enable the community to consider better options for implementation by the City of Ballarat.

Ordered to lie on the Table.

- 3 WILDLIFE AMENDMENT (DUCK HUNTING) BILL 2022** — Mr Bourman introduced *A Bill for an Act to amend the Wildlife Act 1975 to improve the operation of that Act with respect to duck hunting and for other purposes.*

On the motion of Mr Bourman, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notice of Approval of the Victoria Planning Provisions — Amendment VC209.

- 5 PRODUCTION OF DOCUMENTS — SOCIAL HOUSING TAX** — The Clerk laid on the Table a letter from the Attorney-General, dated 8 March 2022, in response to the Resolution of the Council of 23 February 2022 (on the motion of Mr Davis), relating to the social housing tax on residential developments and housing affordability, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 7 WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021** — 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.

- 8 HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2022** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

- 9 SUPPORT FOR VICTIMS OF CRIME** — Ms Maxwell moved, That this House —
- (1) acknowledges the significant and ongoing psychological and physical impacts of crime on victims and victim-survivors;
  - (2) recognises that victims of crime need access to varying levels of support at different stages of their trauma and recovery, but the limitations of the current scheme result in some victims of crime being exited or disengaging with the current service response without receiving assistance that meets their needs;
  - (3) notes that —
    - (a) the Victorian Law Reform Commission's July 2018 report, *Review of the Victims of Crime Assistance Act 1996*, made 100 recommendations including the establishment of a new state-funded financial assistance scheme for victims of crime;
    - (b) the Victim Support Update of December 2021 does not include the introduction of a new financial assistance scheme in this term of Parliament;
  - (4) calls on the Government to provide —
    - (a) a detailed timeline for the introduction of the new Victims of Crime Financial Assistance Scheme and transition details; and

- (b) a mechanism for victims of crime who are children, victims of sexual and violence offences and family members of deceased victims, to access ongoing psychological support and counselling, without needing to reapply through the current scheme, until the new Victims of Crime Financial Assistance Scheme is implemented.

Debate ensued.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 718, be postponed until later this day.

**11 ALLEGATIONS OF BULLYING OF A MEMBER** — Ms Vaghela moved, That this House notes —

- (1) the systematic bullying, harassment, and intimidation campaign I have been subjected to since being elected to the Parliament of Victoria, by a group of men led by the Premier's close personal friend Mr Luckee Kohli, and a staff member from the Premier's Private Office, Mr Vinayak Kolape;
- (2) that the Minister for Women, the Hon Gabrielle Williams MP, and the Premier, the Hon Daniel Andrews MP, participated in the systematic bullying campaign against me by seeking to undermine, isolate and exclude me; and
- (3) that the Premier and his private office refused to take action to stop the systematic bullying campaign for two and half years from my first complaint to the Premier's Private Office on 30 April 2019 and further complaints at regular intervals thereafter.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**12 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Social housing reforms** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Friday, 11 March 2022.
- **2022 duck shooting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 11 March 2022.
- **Timber plantation harvesting** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 11 March 2022.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 ALLEGATIONS OF BULLYING OF A MEMBER** — Debate continued on the question, That this House notes —

- (1) the systematic bullying, harassment, and intimidation campaign I have been subjected to since being elected to the Parliament of Victoria, by a group of men led by the Premier's close personal friend Mr Luckee Kohli, and a staff member from the Premier's Private Office, Mr Vinayak Kolape;
- (2) that the Minister for Women, the Hon Gabrielle Williams MP, and the Premier, the Hon Daniel Andrews MP, participated in the systematic bullying campaign against me by seeking to undermine, isolate and exclude me; and
- (3) that the Premier and his private office refused to take action to stop the systematic bullying campaign for two and half years from my first complaint to the Premier's Private Office on 30 April 2019 and further complaints at regular intervals thereafter.

On the motion of Mr Finn, the debate was adjourned until the next day of meeting.

**15 BUSINESS OF THE HOUSE — SPLIT MOTION** — Mr Davis moved, by leave, That contingent on the debate on the motion referring matters relating to the financial position of WorkSafe and the operations of the Port of Melbourne lease to the Public Accounts and Estimates Committee

concluding, the motion be divided so that the proposals in paragraphs (1) and (2) are put to the House separately.

Question — put and agreed to.

**16 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REFERRALS — FINANCIAL POSITION OF WORKSAFE — OPERATIONS OF THE PORT OF MELBOURNE LEASE** — Debate resumed on the question, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report —

- (1) by 30 June 2022, on the financial position of WorkSafe and its administered WorkCover insurance scheme, including but not limited to the —
  - (a) financial sustainability of the scheme;
  - (b) ability of the scheme to assure employees that proper financial and medical support will be received into the future;
  - (c) level of premiums paid by employers;
  - (d) the impact of any potential increased premiums on employment state-wide;
- (2) by 30 September 2022, on the operations of the Port of Melbourne lease, including but not limited to —
  - (a) the impact on the price of consumer items due to the outcomes of the lease;
  - (b) the failure of the operators to comply with their obligations to run the port efficiently for the long-term interests of users and Victorian consumers;
  - (c) issues of significant and sustained non-compliance with the pricing order during the review period;
  - (d) why the Port of Melbourne's power has not been effectively constrained in relation to the process for setting or reviewing rents or associated payments payable by its tenants;
  - (e) the ability of current legislation, Port Concession Deed and other contractual arrangements to constrain the Port of Melbourne's power;
  - (f) the Port of Melbourne's use of a broad range of negotiation strategies and processes to drive higher rent outcomes that are not appropriate in a monopoly market, where tenants at the port face significant barriers in pursuing and securing alternative suppliers of suitable land;
  - (g) whether the Port of Melbourne's exercise of its power has caused material detriment; and
  - (h) whether further economic regulation is justified to ensure there is mitigation of the ability of the Port to exercise power through rent seeking.

On the motion of Mr Davis, the debate was adjourned until the next day of meeting.

**17 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DECriminalISATION OF POSSESSION AND USE OF DRUGS OF DEPENDENCE) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Barton.*

**18 PRODUCTION OF DOCUMENTS — CLOSURE OF THE VICTORIAN NATIVE TIMBER INDUSTRY** — The Clerk laid on the Table a letter (including an Attachment) from the Attorney-General, dated 8 March 2022, in response to the Resolution of the Council of 13 October 2021 (on the motion of Mr Bourman), and further to the Government's initial response of 1 December 2021, relating to the closure of the Victorian Native Timber Industry, advising that —

- the Government's initial estimate is that there are approximately 45,000 pages that may fall within the scope of the order, and that it would take up to two and a half years to collate, consider and obtain advice in relation to the documents at an estimated cost of approximately \$500,000; and
- the Government invites the Council to pass a motion to amend or replace the order with an order seeking documents within revised categories set out in an Attachment A, which would allow them to provide the documents sooner and at a lower cost.

- 19 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 20 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.  
Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.  
And then the Council, at 6.18 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 147 — Thursday, 10 March 2022

- 1** The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:  
Safe Drinking Water Act 2003 — Drinking water quality in Victoria — Report, 2020-21.
- 3 SITTING OF THE COUNCIL** — Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 22 March 2022.  
Question — put and agreed to.
- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.
- 6 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Davis, Dr Ratnam and Ms Symes were circulated.  
*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*
- 7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
- **International students** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Tuesday, 15 March 2022.
  - **Police suspension of firearms licenses** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Tuesday, 15 March 2022.
  - **International tourism – Western Metropolitan region** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Tuesday, 15 March 2022.
  - **Child sex offender registration** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Tuesday, 15 March 2022.
- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 9 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021** — Debate continued on the question, That the Bill be now read a second time.  
Question — put and agreed to.  
Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Dr Ratnam were outside the scope of the Bill —*

Dr Ratnam moved, That it be an instruction to the Committee that they have the power to consider an amendment and new clauses to amend the *Electoral Act 2002* to implement optional preferential voting in relation to groups in Council elections and to make related amendments to that Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 1

Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —*

Mr Davis moved, That it be an instruction to the Committee that they have the power to consider amendments to the *Local Government Act 2020* to provide for advertising of hardship provisions under the *Local Government Act 1989*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Symes 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, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 10

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**10 LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Bath were circulated.

On the motion of Mr Melhem, the debate was adjourned until the next day of meeting.

**11 JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009 to provide temporary arrangements for trial by judge alone on an order made or applied for while a pandemic declaration is in force and to amend the Children, Youth and Families Act 2005, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Evidence (Miscellaneous Provisions) Act 1958, the Justice Legislation Amendment (Criminal Appeals) Act 2019 and the Occupational Health and Safety Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

**12 CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Conservation, Forests and Lands Act 1987 in relation to Codes of Practice and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

Ms Tierney moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**13 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.04 p.m., adjourned until Tuesday, 22 March 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 145, 146 and 147

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### WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021

*Committed Tuesday, 8 March 2022*

*Amendments circulated: Ms Maxwell (p. 1119)*

Amendments proposed to be moved in Committee by Ms Maxwell were circulated.

**Clauses 1 to 86** — put and agreed to.

**Clause 87** — Ms Maxwell moved Amendment No. 1.

Question — That the amendment be agreed to — put and agreed to.

Clause 87, as amended — put and agreed to.

**Clause 88** — Ms Maxwell moved Amendment No. 2.

Question — That the amendment be agreed to — put and agreed to.

Clause 88, as amended — put and agreed to.

**Clause 89** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021

*Committed Thursday, 10 March 2022*

*Amendments circulated: Mr Davis (pp. 1119-20), Dr Ratnam (pp. 1120-22), Ms Symes (p. 1122)*

**Clause 1** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 22** — put and agreed to.

**Clause 23** — Mr Davis moved Amendment Nos. 3 to 5.

Question — That the amendments be agreed to — put and negatived.

**Clauses 24 to 37** — put and agreed to.

**Clause 38** — Ms Symes moved Amendment Nos. 1 and 2 — put and agreed to.

Mr Davis moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Ms Symes moved Amendment No. 3 — put and agreed to.

Mr Davis moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 38, as amended — put and agreed to.

**Clauses 39 to 78** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021**Amendments circulated by Ms Maxwell

1. Clause 87, before line 11 insert—
  - "(aa) an offence against section 20, 21 or 21A of the **Crimes Act 1958** or any corresponding previous enactment; or".
2. Clause 88, page 58, before line 1 insert—
  - "(aa) an offence against section 20, 21 or 21A of the **Crimes Act 1958** or any corresponding previous enactment; or".

**2. REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021**Amendments circulated by Mr Davis

1. Clause 1, page 2, line 32, after "Commission" insert "or as approved by the Commission".
2. Clause 1, page 4, after line 9 insert—
  - "(iii) to provide for advertising of hardship provisions under the **Local Government Act 1989**; and".
3. Clause 23, line 4, after "(3B)" insert "and (3C)".
4. Clause 23, line 11, omit 'Commission.'" and insert 'Commission.'.
5. Clause 23, after line 11 insert—
  - '(3C) It is not an offence under subsection (3A) for a person to make available or distribute an application to vote by post if the application to vote by post is approved by the Commission.'".
6. Clause 38, page 25, line 2, after "subsection (1)" insert "or, if subsection (2A) applies, by complying with the requirements set out in subsection (2A)".
7. Clause 38, page 25, after line 2 insert—
  - "(2A) Despite subsection (1), if a requirement in an Act, a statutory rule or any other subordinate instrument for notice (however described) to be published in a print newspaper applies in respect of any locality or part of Victoria which is regional Victoria, publication—
    - (a) must be in published in a print newspaper circulating in that part of regional Victoria; and
    - (b) in addition, may otherwise be published in a manner specified in subsection (1)(a) to (c)."
8. After clause 42 insert—

## NEW CLAUSE

**'42A New section 107A inserted****"107A Advertising of hardship provisions for rates**

- (1) For the period of 4 years from the commencement of this section, a Council must include details of the waiver for financial hardship provisions in section 171A of the **Local Government Act 1989**—
  - (a) in a separate sheet enclosed with any rate notice sent during that period; and
  - (b) on a website maintained by the Council and on all social media platforms used by the Council.
- (2) A Council must include in its annual report—
  - (a) the number of requests for waivers received under section 171A of the **Local Government Act 1989** during the period referred to in subsection (1); and
  - (b) the number of waivers granted in whole or in part during that period.". '.

Amendments circulated by Dr Ratnam

1. Clause 1, page 3, after line 6 insert—

"(vi) to implement optional preferential voting in relation to groups in Council elections and to make related amendments; and".

NEW CLAUSES

2. Insert the following New Clauses after clause 21—

**'21A Section 69B repealed**

Section 69B of the **Electoral Act 2002** is **repealed**.

**21B Section 73A repealed**

Section 73A of the **Electoral Act 2002** is **repealed**.

**21C Registration process**

In section 79(2)(ca) of the **Electoral Act 2002**—

- (a) for subparagraph (i) **substitute**—

"(i) indicates the order of voting preference for all groups whose names are printed opposite squares on the ballot-paper; or";

- (b) in subparagraph (iii)(A), after "preference" **insert** "and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes".

**21D Alterations to registered how-to-vote card to correct error**

In section 80(4)(ca) of the **Electoral Act 2002**—

- (a) for subparagraph (i) **substitute**—

"(i) indicates the order of voting preference for all groups whose names are printed opposite squares on the ballot-paper; or";

- (b) in subparagraph (iii)(A), after "preference" **insert** "and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes". '.

NEW CLAUSE

3. Insert the following New Clause after clause 22—

**'22A How votes to be marked by elector in Council election**

(1) For section 93A(2)(a) of the **Electoral Act 2002 substitute**—

"(a) either—

- (i) the number 1 in the square in relation to a group for which the elector votes as first preference and at least the numbers 2, 3, 4 and 5 in the squares in relation to remaining groups so as to indicate by unbroken numerical sequence the order of preference of contingent votes; or
- (ii) if there are 4 or fewer squares printed on the ballot-paper in relation to groups, number 1 in relation to the group for which the elector votes as first preference and then number the remaining squares so as to indicate by unbroken numerical sequence the order of preference of contingent votes; or".

#### NEW CLAUSES

4. Insert the following New Clauses after clause 24—

#### **24A Certain Council ballot-papers with non-consecutive numbers to be formal**

(1) In the heading to section 112A of the **Electoral Act 2002**, after "**formal**" insert "**and other matters**".

(2) At the end of section 112A of the **Electoral Act 2002 insert**—

"(2) A ballot-paper in a Council election that—

- (a) has the number 1, or the number 1 and one or more higher numbers, in the squares printed in relation to groups; and
- (b) would be informal by virtue of section 112(1)(d)—

is taken to be formal in relation to the preferences marked on the ballot-paper by numbers up to a break in the sequence.

(3) For the purposes of this Act, the following numbers in squares printed on the ballot-paper in relation to groups are to be disregarded—

- (a) numbers that are repeated and any higher numbers;
- (b) if a number is missed, any numbers that are higher than the missing number.

(4) If a ballot-paper in a Council election—

- (a) has squares that are printed in relation to groups numbered in accordance with section 93A(2)(a) (or taken to be numbered in accordance with section 93A(3)) or is taken to be formal under subsection (2); and
- (b) has squares printed opposite the names of candidates numbered in accordance with section 93A(2)(b) (or taken to be numbered in accordance with section 93A(3)) or is taken to be formal under subsection (1)—

then only squares referred to in paragraph (b) are taken to have numbers in them on the ballot-paper."

#### **24B Section 112B substituted**

For section 112B of the **Electoral Act 2002 substitute**—

#### **"112B Council ballot-papers marked in relation to groups**

(1) This section applies if a ballot-paper in a Council election—

- (a) has one or more numbers marked in squares printed in relation to a group in accordance with section 93A(2)(a) or is taken to be formal under section 112A(2); and

- (b) has one or more numbers, that are not disregarded under section 112A(3), marked in squares printed on the ballot-paper in relation to groups (each group being a **preferred** group).
- (2) For the purposes of section 114A, the ballot-paper is taken to be marked as if instead of the numbers referred to in subsection (1)(b)—
  - (a) each candidate in a preferred group was given a different number starting from 1; and
  - (b) candidates in a preferred group were numbered consecutively, starting with the candidate whose name on the ballot-paper is at the top of the group to the candidate whose name is at the bottom of the group; and
  - (c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot-paper, starting with the group marked 1; and
  - (d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.".'.

#### NEW CLAUSES

5. Insert the following New Clauses after clause 27—

**27A Amendment of Schedule 1A**

- (1) In Schedule 1A to the **Electoral Act 2002**, for "Place the number 1 in one, and one only of these squares to indicate your choice." **substitute** "Place the numbers 1 to at least 5 in these squares to indicate your choice."
- (2) In Schedule 1A to the **Electoral Act 2002**, in the first row of the ballot-paper, **omit** "OR" (wherever occurring).

**27B Amendment of Schedule 1B**

- (1) In Schedule 1B to the **Electoral Act 2002**, for "Place the number 1 in one, and one only of these squares to indicate your choice." **substitute** "Place the numbers 1 to at least 5 in these squares to indicate your choice."
- (2) In Schedule 1B to the **Electoral Act 2002**, **omit** "OR" (wherever occurring).'

#### Amendments circulated by Ms Symes

- 1. Clause 38, lines 17 to 19, omit ", whether circulating generally in Victoria or in a particular locality," and insert "circulating generally in Victoria".
- 2. Clause 38, line 22, before "approved" insert "an".
- 3. Clause 38, page 25, after line 2 insert—

"(2A)For the avoidance of doubt, subsections (1) and (2) do not apply to any requirement under an Act, a statutory rule or any other subordinate instrument to provide for the publication of a notice published in a print newspaper in a particular locality."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 148, 149 and 150

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#### No. 148 — Tuesday, 22 March 2022

- 1 The President took the Chair at 11.36 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **ASSENT TO ACTS** — The President read Messages from the Lieutenant-Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - On 11 March 2022 —  
*Victoria Police Amendment Act 2022*
    - On 16 March 2022 —  
*Alpine Resorts Legislation Amendment Act 2022*  
*Workplace Safety Legislation and Other Matters Amendment Act 2022.*
  - 3 **SENATE VACANCY** — The President announced the receipt of a Message from the Lieutenant-Governor transmitting a letter from the President of the Senate advising of a vacancy in the representation of the State of Victoria in the Senate following the death of Senator Kimberley Kitching.
  - 4 **THE LATE SENATOR KIMBERLEY KITCHING** — The President advised the House of the death, on 10 March 2022, of Ms Kimberley Kitching, Senator for Victoria since 2016. Members stood in their places as a mark of respect to the memory of the late Kimberley Kitching.
  - 5 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Mr Limbrick resigning from the Public Accounts and Estimates Committee, effective from Monday, 21 March 2022.
  - 6 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
- **Electric vehicle tax** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 24 March 2022.
  - **CFA/MFB co-location arrangements** — supplementary question asked by Mrs McArthur — response from Ms Symes due Wednesday, 23 March 2022.
  - **Duck hunting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 24 March 2022.
- 7 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 PAPERS —**

**ABSOLUTELY EVERYONE: STATE DISABILITY PLAN 2017-2020** — Ms Stitt moved, by leave, That there be laid before this House a copy of the Absolutely everyone: State disability plan 2017-2020 final report.

Question — put and agreed to.

The Report was presented by Ms Stitt and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 4 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — INQUIRY INTO WHETHER VICTORIA SHOULD PARTICIPATE IN A NATIONAL ELECTORAL ROLL PLATFORM** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Tarlamis presented a Report from the Electoral Matters Committee on the Inquiry into whether Victoria should participate in a national electoral roll platform (including an Appendix), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Tarlamis moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO GENDER RESPONSIVE BUDGETING** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the Inquiry into Gender Responsive Budgeting (including Appendices), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Taylor moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT, 2021-22** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, and following the transmission of the report on 11 March 2022, the Clerk laid on the Table a copy of the 2021-22 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2).

On the motion of Mr Davis, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Order of 8 March 2022 giving approval to the granting of a lease at Albert Park.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 7 (*Gazette No. G10, 10 March 2022*).

Judicial Entitlements Act 2015 — Attorney-General's recommendation statement to the Own Motion Recommendation 2021 Report of the Judicial Entitlements Panel, under section 34 of the Act.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 February 2022 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Baw Baw Planning Scheme — Amendment C142.

Boroondara Planning Scheme — Amendment C374.



Colac Otway Planning Scheme — Amendment C121.  
Glen Eira Planning Scheme — Amendment C190.  
Greater Bendigo Planning Scheme — Amendment C256.  
Greater Shepparton Planning Scheme — Amendment C227.  
Mitchell Planning Scheme — Amendment C129.  
Moorabool Planning Scheme — Amendment C91.  
Moreland Planning Scheme — Amendment C217.  
Mornington Peninsula Planning Scheme — Amendment C224.  
Nillumbik Planning Scheme — Amendment C126.  
South Gippsland Planning Scheme — Amendment C126.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —  
25 February 2022.  
27 February 2022.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Ministerial Order No. 1360 — Order Amending Ministerial Order 1038 — Mandatory Vaccination and COVID-19 Status Reporting Obligations, of 18 March 2022, under the Education and Training Reform Act 2006.

**9 BUSINESS OF THE COUNCIL** — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 23 March 2022 —

- (1) Order of the Day No. 1, second reading of the Wildlife Amendment (Duck Hunting) Bill 2022;
- (2) the notice of motion given this day by Mr Bourman on production of documents relating to the Victorian Native Timber Industry;
- (3) Order of the Day No. 1, resumption of debate, by leave, on the second reading of the Wildlife Amendment (Duck Hunting) Bill 2022;
- (4) the notice of motion given this day by Mr Bourman on duck hunting;
- (5) the notice of motion given this day by Mr Davis on the production of documents relating to the Emergency Services Telecommunications Authority;
- (6) the notice of motion given this day by Mr Davis on tax increases;
- (7) Order of the Day No. 54, resumption of debate on a motion referring matters relating to the financial position of WorkSafe and the operations of the Port of Melbourne lease to the Public Accounts and Estimates Committee;
- (8) Order of the Day No. 1, listed for a future day, resumption of debate on the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2022; and
- (9) Notice of motion No. 703, standing in the name of Dr Cumming on hybrid sittings.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.

**12 LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021** — 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.

Mr Meddick moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government implements the animal welfare recommendations from the Economy and Infrastructure Committee’s Report on the *Inquiry into the impact of animal rights activism on Victorian agriculture*.”

Question — That the reasoned amendment moved by Mr Meddick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 5

Mr Barton; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Meddick were outside the scope of the Bill —*

Mr Meddick moved, That it be an instruction to the Committee that they have power to consider amendments to amend the Livestock Management Amendment (Animal Activism) Bill 2021 to provide for a definition of "animal welfare" and to further provide in relation to the offence of contravening a prescribed biosecurity measure.

Question — put.

The Council divided — The President in the Chair.

AYES, 10

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Bill further considered in Committee of the whole.

Bill reported without amendment.

Ms Tierney moved, That the Report be adopted.

Question — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Report 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, 30

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 5

Mr Barton; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021** — 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.

**14 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.22 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 149 — Wednesday, 23 March 2022

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on the Effectiveness of the Navigator Program, March 2022  
*(Ordered to be published).*

Commissioner for Environmental Sustainability Victoria — Strategic Audit: Implementation of environmental management systems in Victorian Government, 2020-21.

Parliamentary Committees Act 2003 — Government Response to the Electoral Matters Committee's Report on the Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration.

Planning and Environment Act 1987 — Notice of Approval of an amendment to the Victoria Planning Provisions — Amendment VC219.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Service Victoria Amendment Act 2022 — Whole Act — 9 March 2022 (*Gazette No. S115, 8 March 2022*).

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**4 WILDLIFE AMENDMENT (DUCK HUNTING) BILL 2022** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Bourman moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**5 PRODUCTION OF DOCUMENTS — CLOSURE OF THE VICTORIAN NATIVE TIMBER INDUSTRY** — Mr Bourman moved, That this House, in response to the Attorney-General's letter of 8 March 2022 and in relation to the House's Resolution of 13 October 2021, requiring the production of certain documents relating to the closure of the Victorian Native Timber industry, requires the Leader of the Government, in accordance with Standing Order 11.01, to table in the Council, within 14 calendar days of the House agreeing to this resolution —

- (1) the information, advice and evidence produced by, or held in the custody of, the Government or VicForests that was provided to any Minister from 1 January 2016 to 7 November 2019 that both substantively underpinned the Government's decision to close the Victorian Native Timber industry and substantively informed the measures outlined in the Victorian Forestry Plan that was announced on 7 November 2019, including information, advice and evidence which —
  - (a) discloses the expected effect of the closure of the Victorian Native Timber industry on —
    - (i) regional employment losses, both direct and downstream, and future employment opportunities for those affected;
    - (ii) timber supply options and how replacement timber plantations factor into this aspect;
    - (iii) the environment of the locations from which any replacement timber will be sourced;
  - (b) explains how these impacts are accounted for by the transitioning measures outlined in the Victorian Forestry Plan; and
- (2) all correspondence received by the Government or VicForests regarding the future of the Victorian Native Timber industry, from 1 January 2016 to 7 November 2019, from persons or groups having an interest in either the commercial or environmental consequences of the closure of the Victorian Native Timber industry.

Debate ensued.

Question — put and agreed to.

**6 DUCK HUNTING** — Mr Bourman moved, That this House —

- (1) notes that —
  - (a) the data used to decide seasonal arrangements for duck hunting is sent to the Government in December of the preceding year;
  - (b) the seasonal announcements are coming so late now that it is extremely difficult for those wishing to hunt to get leave and make arrangements;

- (2) further notes that —
  - (a) protesters are currently allowed within 10 metres of a duck hunter, a hunter who has a loaded firearm in their possession;
  - (b) at 10 metres, it is very likely that anyone shot by a shotgun will be killed or seriously injured;
  - (c) the Game Management Authority has recently recommended that ducks not be shot any further away than 30 metres to ensure a humane kill;
- (3) calls on the Government to —
  - (a) finalise and announce any changes to the next season by 1 January of each year; and
  - (b) immediately make legislative changes to allow protesters no closer than 100 metres from a hunter for the protesters' own safety.

Debate ensued.

On the motion of Mr Barton, the debate was adjourned until later this day.

**7 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — Ms Burnett-Wake (for Mr Davis) moved, That this House —

- (1) notes that since October 2021, 12 people including four children have died after those trying to save them from critical injuries or illness made desperate calls to Victoria's triple-zero service that were not answered or were picked up too late;
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution —
  - (a) all documents, briefings, submissions and reports relating to the review being undertaken by Mr Graham Ashton into the Emergency Services Telecommunications Authority's (ESTA) capabilities;
  - (b) agendas and minutes of ESTA's new Service Design and Performance Team within the broader Emergency Communications Services Group and the Multi-Agency Working Group, as referred to on page 16 of the ESTA Annual Report 2020-21; and
  - (c) a copy of the ESTA Strategic Plan or similar document.

Debate ensued.

*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.

**TRIAL PAID SICK LEAVE SCHEME FOR CASUAL WORKERS** — Ms Stitt having given answers to a question without notice and supplementary question relating to a levy in the trial paid sick leave scheme for casual workers —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Wodonga Health masterplan** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 25 March 2022.
- **Tax exemptions for charitable organisations** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Friday, 25 March 2022.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**10 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — Debate continued on the question, That this House —

- (1) notes that since October 2021, 12 people including four children have died after those trying to save them from critical injuries or illness made desperate calls to Victoria's triple-zero service that were not answered or were picked up too late;

- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution —
- (a) all documents, briefings, submissions and reports relating to the review being undertaken by Mr Graham Ashton into the Emergency Services Telecommunications Authority's (ESTA) capabilities;
  - (b) agendas and minutes of ESTA's new Service Design and Performance Team within the broader Emergency Communications Services Group and the Multi-Agency Working Group, as referred to on page 16 of the ESTA Annual Report 2020-21; and
  - (c) a copy of the ESTA Strategic Plan or similar document.

Question — put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 739, be postponed until later this day.

**12 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REFERRALS — FINANCIAL POSITION OF WORKSAFE — OPERATIONS OF THE PORT OF MELBOURNE LEASE** — Debate resumed on the question, That this House pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report —

- (1) by 30 June 2022, on the financial position of WorkSafe and its administered WorkCover insurance scheme, including but not limited to the —
  - (a) financial sustainability of the scheme;
  - (b) ability of the scheme to assure employees that proper financial and medical support will be received into the future;
  - (c) level of premiums paid by employers;
  - (d) the impact of any potential increased premiums on employment state-wide;
- (2) by 30 September 2022, on the operations of the Port of Melbourne lease, including but not limited to —
  - (a) the impact on the price of consumer items due to the outcomes of the lease;
  - (b) the failure of the operators to comply with their obligations to run the port efficiently for the long-term interests of users and Victorian consumers;
  - (c) issues of significant and sustained non-compliance with the pricing order during the review period;
  - (d) why the Port of Melbourne's power has not been effectively constrained in relation to the process for setting or reviewing rents or associated payments payable by its tenants;
  - (e) the ability of current legislation, Port Concession Deed and other contractual arrangements to constrain the Port of Melbourne's power;
  - (f) the Port of Melbourne's use of a broad range of negotiation strategies and processes to drive higher rent outcomes that are not appropriate in a monopoly market, where tenants at the port face significant barriers in pursuing and securing alternative suppliers of suitable land;
  - (g) whether the Port of Melbourne's exercise of its power has caused material detriment; and
  - (h) whether further economic regulation is justified to ensure there is mitigation of the ability of the Port to exercise power through rent seeking.

*And the debate having concluded, pursuant to an Order of the Council of 9 March 2022, the motion was divided so that the proposals in paragraphs (1) and (2) were put to the House separately —*

Question — That this House pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report by 30 June 2022, on the financial position of WorkSafe and its administered WorkCover insurance scheme, including but not limited to the —

- (a) financial sustainability of the scheme;
- (b) ability of the scheme to assure employees that proper financial and medical support will be received into the future;
- (c) level of premiums paid by employers;
- (d) the impact of any potential increased premiums on employment state-wide.

— put.

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report by 30 September 2022, on the operations of the Port of Melbourne lease, including but not limited to —

- (a) the impact on the price of consumer items due to the outcomes of the lease;
- (b) the failure of the operators to comply with their obligations to run the port efficiently for the long-term interests of users and Victorian consumers;
- (c) issues of significant and sustained non-compliance with the pricing order during the review period;
- (d) why the Port of Melbourne's power has not been effectively constrained in relation to the process for setting or reviewing rents or associated payments payable by its tenants;
- (e) the ability of current legislation, Port Concession Deed and other contractual arrangements to constrain the Port of Melbourne's power;
- (f) the Port of Melbourne's use of a broad range of negotiation strategies and processes to drive higher rent outcomes that are not appropriate in a monopoly market, where tenants at the port face significant barriers in pursuing and securing alternative suppliers of suitable land;
- (g) whether the Port of Melbourne's exercise of its power has caused material detriment; and
- (h) whether further economic regulation is justified to ensure there is mitigation of the ability of the Port to exercise power through rent seeking.

— put.

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**13 HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Terpstra, the debate was adjourned until later this day.

**14 SESSIONAL ORDERS — HYBRID SITTINGS** — Dr Cumming moved, That so much of Standing and Sessional Orders be suspended to allow the following arrangements to come into effect tomorrow and remain in place until the House resolves otherwise:

**1. Remote participation**

Members may participate in debate remotely using an audio-visual link as follows:

- (1) The Chair must be satisfied that the quality of the audio-visual link allows the Chair to verify the identity of that Member and for the Member to participate.
- (2) A Member participating remotely is not counted for the purposes of a quorum.
- (3) A Member participating remotely shall not vote and a Member that is not in the Chamber at the time of a division may register their opinion on the question by notifying the Clerk in writing of their opinion (either 'Aye' or 'Noe') after the commencement of the matter in the House and before the President reports the result of the vote to the House, and any such opinion will be published, separately from the results of the vote, in Hansard and the Minutes of Proceedings.
- (4) Members participating remotely may do all things a Member in the Chamber may do, except —
  - (a) chair the debate;
  - (b) refuse leave;
  - (c) take, or speak on, a point of order unless it is taken by another member during their contribution;
  - (d) call the Chair's attention to the state of the House;
  - (e) call for a division;
  - (f) vote;
  - (g) move a motion for the closure of debate under Standing Order 12.25 or be counted in support of a closure of debate motion under Standing Order 12.25(2); and
  - (h) be counted for the purposes of satisfying an absolute or special majority requirement.
- (5) In order to assist Members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and Members wishing to participate remotely may seek the call by —
  - (a) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition Member; and
  - (b) informing the Clerk, who will inform the Chair in advance — for any other Member.
- (6) When a Member participates remotely, the Chair may exercise all their usual powers to control the debate.
- (7) The Chair is given any additional powers necessary to facilitate the smooth running of the House and/or to address any technical issues, including but not limited to —
  - (a) stopping the clock;
  - (b) returning to a Member's contribution; and
  - (c) re-ordering business.
- (8) The President may issue formal Guidelines from time to time about remote participation which must not be inconsistent with this temporary order and must be complied with as if they are temporary orders and the President may take any action necessary should Members not abide by the Guidelines.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Taylor.*

**15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**16 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.09 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



**No. 150 — Thursday, 24 March 2022**

1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — STOP BLANKET BANS ON ELECTIVE SURGERY** — Mr Atkinson presented a Petition bearing 513 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cancel the blanket bans on elective surgery and to not resort to such measures in the future.

Ordered to lie on the Table.

3 **PAPERS —**

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO VICTORIA'S CRIMINAL JUSTICE SYSTEM** — Pursuant to Standing Order 23.29, Ms Patten laid on the Table a Report from the Legal and Social Issues Committee on the Inquiry into Victoria's criminal justice system (including Appendices, Extracts of Proceedings and a Minority report), and further presented a Summary booklet and Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report and Summary booklet be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

West Gate Tunnel (Truck Bans and Traffic Management) Act 2019 — West Gate Tunnel Project Agreement — Third Amending Deed, under section 12 of the Act.

4 **PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL** — The Clerk laid on the Table 130 documents, together with schedules of the identified documents and a letter from the Attorney-General, dated 23 March 2022, in response to the Resolution of the Council of 17 June 2020 (on the motion of Mr Davis), and further to the Government's initial response of 21 July 2020, relating to West Gate Tunnel Soil, advising that —

- as the wording of the resolution was particularly broad, the Government adopted a narrowed scope of the Order that was consistent with the Order's purpose and the parliamentary debate relating to the Order;
- 135 documents were identified within the scope of the Council's order; and
- Executive Privilege was claimed in relation to five documents in full.

5 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 5 April 2022.

Question — put and agreed to.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683, 691 and 730, be postponed until later this day.

8 **JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Grimley were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

9 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Victim support portal** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 28 March 2022.
- **Horse-drawn carriage operators** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Monday, 28 March 2022.
- **QR code health advice** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Monday, 28 March 2022.
- **Paid sick leave scheme for casual workers** — supplementary question asked by Mr Davis — response from Ms Stitt due Friday, 25 March 2022.
- **Environmental infrastructure planning** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Monday, 28 March 2022.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**11 JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022** — 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 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 CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis and Dr Ratnam were circulated.

Dr Ratnam moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 15 September 2022, on the contents of the Bill, including but not limited to, the appropriateness of the extraordinary discretionary powers this Bill provides the Minister and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

Debate ensued.

Question — That the reasoned amendment moved by Dr Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Dr Cumming; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

## AYES, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 3

Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

- 13 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Kat Theophanous, Member for Northcote, resigning from the Scrutiny of Acts and Regulations Committee, effective from Thursday, 24 March 2022.

- 14 JOINT COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Mr Barton be a member of the Public Accounts and Estimates Committee; and
  - (2) Mr Gepp be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

- 15 GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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, the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fines Reform Act 2014, the Infringements Act 2006, the Magistrates' Court Act 1989, the Road Safety Act 1986, the Sentencing Act 1991, the Sheriff Act 2009, the EastLink Project Act 2004, the Melbourne City Link Act 1995, the North East Link Act 2020, the West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, the Taxation Administration Act 1997 and the Transfer of Land Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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 Dr Bach), the debate was adjourned for one week.

**17 PUFFING BILLY RAILWAY BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Puffing Billy Railway Board, to provide for the objectives, functions and powers of the Board, to provide for matters relating to the Puffing Billy Railway, to repeal the Emerald Tourist Railway Act 1977 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Pulford), 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 Davis), the debate was adjourned for one week.

**18 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.33 p.m., adjourned until Tuesday, 22 March 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 148, 149 and 150

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### LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021

*Committed Tuesday, 22 March 2022*

*Amendments circulated: Ms Bath (p. 1142), Mr Meddick (p. 1142)*

**Clause 1** — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 2 and 3** — Question — That clauses 2 and 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 4** — Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 5** — Question — That clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 6** — Ms Bath moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Mr Atkinson; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Question — That clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 7 to 9** — Question — That clauses 7 to 9 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 10** — Ms Bath moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Mr Atkinson; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Question — That clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 11 to 14** — Question — That clauses 11 to 14 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Bill reported without amendment.**

**JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS)  
BILL 2022**

*Committed Thursday, 24 March 2022*

*Amendments circulated: Mr Grimley (pp. 1142-3)*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Question — That clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 11

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 11** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022**

*Committed Thursday, 24 March 2022*

*Amendments circulated: Mr Davis (pp. 1143-4), Dr Ratnam (pp. 1144-5)*

**Clauses 1 to 3** — put and agreed to.

**New Clause** — Dr Ratnam moved Amendment No. 1.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 4** — put and agreed to.



**New Clause** — Ms Bath (for Mr Davis) moved Amendment No. 1.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**Clause 5** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021**Amendments circulated by Ms Bath

1. Clause 6, page 7, lines 3 to 13, omit all words and expressions on these lines.
2. Clause 10, page 9, line 9, omit "60" and insert "120".

Amendments circulated by Mr Meddick

1. Clause 1, page 1, after line 10 insert—
  - "(c) to amend the **Livestock Management Act 2010** to insert a definition of animal welfare; and".
2. Clause 1, page 2, line 1, omit "(c)" and insert "(d)".
3. Clause 4, page 3, after line 5 insert—
  - ' **animal welfare** means the physical and mental state of a non-human animal in relation to the conditions in which that animal lives and dies;'
4. Clause 4, page 3, line 6, omit ' **biosecurity**' and insert "**biosecurity**".
5. Clause 10, page 11, after line 2 insert—
  - "(4) A person does not commit an offence under subsection (1) if the person is at the premises, or the specified part of the premises, and is responding to the immediate medical or welfare needs of an animal."
6. Clause 10, page 11, line 3, omit "(4)" and insert "(5)".

**2. JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022**Amendments circulated by Mr Grimley

1. Clause 1, page 2, after line 19 insert—
  - "(ca) to amend the **Evidence (Miscellaneous Provisions) Act 1958** in relation to confidential communications; and".
2. Insert the following New Clause to follow clause 8—
 

NEW CLAUSE

**'8A Evidence (Miscellaneous Provisions) Act 1958—confidential communications**

  - (1) In section 32C(3) of the **Evidence (Miscellaneous Provisions) Act 1958**, for "The court" **substitute** "Subject to subsection (3A), the court".
  - (2) After section 32C(3) of the **Evidence (Miscellaneous Provisions) Act 1958** insert—
    - "(3A) In a criminal proceeding, the court must not waive the requirement, under subsection (2)(a), to give notice to the prosecutor."
  - (3) For section 32C(4) of the **Evidence (Miscellaneous Provisions) Act 1958** **substitute**—
    - "(4) If, in a criminal proceeding—

- (a) the prosecutor receives notice under subsection (2); or
  - (b) the prosecutor is required under that subsection to give notice, and either the prosecutor does so or that requirement is waived—
- the prosecutor must give the protected confider notice of the application as soon as is reasonably practicable.
- (4A) Notice under subsection (4) must include—
    - (a) advice that the protected confider has a right to appear in the proceeding to make submissions, including confidentially as described in subsection (6A)(b); and
    - (b) advice that the protected confider should consider whether to seek legal advice.
  - (4B) The court may waive the requirement to give notice under subsection (4) if the court is satisfied, on the balance of probabilities, that the protected confider—
    - (a) cannot be located; or
    - (b) has consented to not being notified."
- (4) After section 32C(6) of the **Evidence (Miscellaneous Provisions) Act 1958** insert—
- "(6A) The protected confider may—
- (a) appear in the proceeding; and
  - (b) make submissions including by giving to the court, by affidavit, a statement describing the harm that is likely to be caused to the protected confider if the application is granted.
- (6B) A court that receives a confidential statement under subsection (6A)(b) must not disclose it."
- (5) After section 32D(1) of the **Evidence (Miscellaneous Provisions) Act 1958** insert—
- "(1A) Additionally, a court must not grant leave to compel the production of, to produce or to adduce protected evidence unless either—
- (a) the requirement to give notice to the protected confider under section 32C(4) was waived under section 32C(4B); or
  - (b) that requirement was not waived but the court is satisfied, on the balance of probabilities, that the protected confider could not be located; or
  - (c) the protected confider was given notice under section 32C(4) and the court is satisfied, on the balance of probabilities, that the protected confider has had a reasonable opportunity to obtain legal advice.".'.

### 3. CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022

#### Amendments circulated by Mr Davis

1. Insert the following New Clause to follow clause 4—

#### **'5 Proceedings for offences**

- (1) After section 96(2) of the **Conservation, Forests and Lands Act 1987** insert—

"(2A) Offence proceedings must not be taken by a person who is not authorised to take offence proceedings by this section."

- (2) In the definition of **offence proceedings** in section 96(4) of the **Conservation, Forests and Lands Act 1987**, after paragraph (c) insert—

"(ca) proceedings for an offence against a Code of Practice; or".

Amendments circulated by Dr Ratnam

NEW CLAUSE

Insert the following New Clause to follow clause 3—

**'3A New sections 41 to 43 inserted**

After section 40 of the **Conservation, Forests and Lands Act 1987** insert—

**"41 Requirements for decisions under Codes of Practice**

- (1) The Minister or Secretary when making a Code of Practice discretionary decision must—
- (a) make the decision on the basis of the best available, relevant scientific knowledge; and
  - (b) make a decision that promotes the object of the Act set out in section 4.

- (2) In this section and in sections 42 and 43—

**Code of Practice discretionary decision** means either of the following—

- (a) a decision that may be made under a discretionary authority conferred by the Code of Practice;
- (b) the approval, determination, dispensation or regulation of a matter or thing under a Code of Practice.

**42 VCAT review of Code of Practice discretionary decisions**

- (1) Any person whose interests are affected by a Code of Practice discretionary decision made by the Minister or Secretary may apply to VCAT for a review of the decision.
- (2) An application for review under subsection (1) must be made within 28 days after the later of the following—
  - (a) the day on which the decision is made;
  - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the party requests a statement of reasons for the decision, the day on which the statement of reasons is given to the party or the party is informed under section 46(5) of that Act that a statement of reasons will not be given.

**43 Stay of decision pending review**

- (1) This section applies, despite anything to the contrary in section 50 of the **Victorian Civil and Administrative Tribunal Act 1998**, if a person applies for a review of a Code of Practice discretionary decision under section 42.
- (2) On the making of an application for review of a Code of Practice discretionary decision under section 42, the decision is stayed pending the determination by VCAT of the proceeding to which the application applies and the expiration of the appeal period.
- (3) For the purposes of subsection (2) the appeal period expires—
  - (a) at the end of the period during which an application for leave to appeal from the order of VCAT determining the proceeding may be made under Part 5 of

the **Victorian Civil and Administrative Tribunal Act 1998** if an application is not made within that period; or

- (b) if an application for leave to appeal is made, when that application is determined if leave is not granted; or
- (c) if leave is granted, at the end of the period during which the appeal may be instituted under Part 5 of the **Victorian Civil and Administrative Tribunal Act 1998** if an appeal is not instituted within that period; or
- (d) if an appeal is instituted, when the appeal is determined."





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 151, 152 and 153

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#### No. 151 — Tuesday, 5 April 2022

- 1 The President took the Chair at 11.33 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —

On 29 March 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —

*Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Act 2022*

*Livestock Management Amendment (Animal Activism) Act 2022*

*Regulatory Legislation Amendment (Reform) Act 2022*

On this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —

*Conservation, Forests and Lands Amendment Act 2022.*

- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**FIRE SERVICES INTEGRATED BRIGADE SITE VISITS** — Ms Symes having given answers to a question without notice and supplementary question relating to fire services integrated brigade site visits —

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Electronic monitoring of family violence offenders** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 7 April 2022.
- **Public transport access for people with disabilities** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 7 April 2022.
- **Emergency Services Victoria Safe Landings Report** — substantive question asked by Ms Burnett-Wake — response from Ms Symes due Wednesday, 6 April 2022.
- **Small business information – international vaccination certificates** — substantive question asked by Mr Limbrick — response from Ms Pulford due Wednesday, 6 April 2022.
- **Assistance to East Gippsland farming flood victims** — substantive question asked by Mr Bourman — response from Ms Tierney due Thursday, 7 April 2022.

**4 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 PETITIONS —**

**BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women’s health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

\* \* \* \* \*

**ALLOW LOCAL SPORT AT HANGING ROCK** — Ms Maxwell presented a Petition bearing 1,103 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the Department of Environment, Land, Water and Planning’s draft Master Plan for Hanging Rock to allow local sport within the Hanging Rock precinct.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP KOALA HABITAT LOSS IN GORDON** — Mr Meddick presented a Petition bearing 109 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prevent further decline of the region’s koalas and halt the clearfelling of the blue gum plantation at the intersection of Cartons Road and the Western Freeway in Gordon, as it is a known koala habitat.

Ordered to lie on the Table.

\* \* \* \* \*

**REVIEW ROADSIDE CANNABIS TESTING LAWS** — Ms Patten presented a Petition bearing 847 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review current roadside drug testing laws to recognise medicinal cannabis users so that where a user is stopped for testing, they can produce evidence of their lawfully permitted use of such medications and undertake a roadside impairment test to determine whether they are fit to drive.

Ordered to lie on the Table.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 5 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE MULTI PURPOSE TAXI PROGRAM** — Pursuant to Standing Order 23.29, Mr Erdogan presented a Report from the Economy and Infrastructure Committee on the Inquiry into the Multi Purpose Taxi Program (including Appendices), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO AUDITOR-GENERAL’S REPORT NO. 253: MANAGING SCHOOL INFRASTRUCTURE (2017) — INTERIM REPORT** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented an Interim Report from the Public Accounts and Estimates Committee on the Inquiry into Auditor-General’s report No. 253: Managing School Infrastructure (2017), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.



**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2020-21 FINANCIAL AND PERFORMANCE OUTCOMES** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the 2020-21 financial and performance outcomes, and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

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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:

Gambling Regulation Act 2003 — Amendment to the Public Lottery Licence issued to Tattersall's Sweeps Pty Ltd on 1 June 2017 to make changes to the Authorised Public Lottery Oz Lotto, under section 5.3.19 of the Act.

Major Events Act 2009 — Major Sporting Event Order of 29 March 2022 for the ICC T20 Men's World Cup 2022, under section 22 of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendment C40.

Bass Coast Planning Scheme — Amendment C161.

Benalla, Mitchell, Strathbogie, Wangaratta, Whittlesea and Wodonga Planning Schemes — Amendment GC157.

Casey, Manningham, Maribyrnong, Maroondah, Melbourne, Monash, Moreland, Murrindindi, Stonnington, Whitehorse, Wyndham and Yarra Planning Schemes — Amendment GC192.

Colac Otway Planning Scheme — Amendment C113.

Glen Eira Planning Scheme — Amendment C228.

Hepburn Planning Scheme — Amendment C77.

Mansfield Planning Scheme — Amendment C49.

Mornington Peninsula Planning Scheme — Amendment C288.

Warrnambool Planning Scheme — Amendment C209.

Whittlesea Planning Scheme — Amendment C260.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on 18 March 2022.

**7 BUSINESS OF THE COUNCIL** — Mr Grimley moved, by leave, That precedence be given to the following General Business on Wednesday, 6 April 2022 —

- (1) the notice of motion given this day by Ms Crozier on the production of documents relating to the Emergency Services Telecommunications Authority consultancies;
- (2) Notice of motion No. 748, standing in the name of Mr Atkinson on Ukraine;
- (3) Notice of motion No. 737, standing in the name of Mr Davis on tax increases;
- (4) the notice of motion given this day by Mr Grimley on the Sexual Assault Reporting Option;
- (5) Notice of motion No. 729, standing in the name of Ms Maxwell on an inquiry into workplace behaviour in the Victorian Parliament; and
- (6) Notice of motion No. 735, standing in the name of Mr Hayes on political donations.

Question — put and agreed to.

**8 STANDING COMMITTEES MEMBERSHIP** — Ms Symes moved, by leave, That —

- (1) the following changes be made to the membership of the Standing Committee on the Environment and Planning —
  - (a) Ms Taylor be discharged;
  - (b) Ms Watt be appointed;
- (2) the following changes be made to the membership of the Standing Committee on Legal and Social Issues —
  - (a) Ms Vaghela be discharged;
  - (b) Ms Taylor be appointed;
  - (c) Ms Watt be discharged as a participating member;
  - (d) Mr Gepp be appointed as a participating member;

- (e) Ms Terpstra be appointed as a participating member; and
- (f) Ms Vaghela be appointed as a participating member.

Question — put and agreed to.

**9 JOINT SITTING — VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced that he had received a letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation, dated 5 April 2022, requesting that arrangements be made for a joint sitting of the Council and the Assembly to elect a Member for appointment to the Board of the Victorian Responsible Gambling Foundation.

**10 JOINT SITTING — VACANCIES IN THE SENATE AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President read a Message from the Assembly informing the Council that they had agreed to the following resolution —

That this House meets the Legislative Council for the purpose of sitting and voting together to:

- (1) choose a person to hold the place in the Senate rendered vacant by the death of Senator Kimberley Kitching; and
- (2) elect a member of Parliament to the Board of the Responsible Gambling Foundation — and proposes that the place and time of such meeting be the Legislative Assembly Chamber on Wednesday 6 April 2022 at 6.00 pm, and requesting the agreement of the Legislative Council.

Ordered — That the Message be taken into consideration forthwith.

Ms Symes moved, by leave, That this House meets with the Legislative Assembly for the purpose of sitting and voting together to —

- (1) choose a person to hold the place in the Senate rendered vacant by the death of Senator Kimberley Kitching;
- (2) elect a member of Parliament to the Board of the Responsible Gambling Foundation; and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 6 April 2022 at 6.00 p.m.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**13 PUFFING BILLY RAILWAY BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

On the motion of Ms Watt, the debate was adjourned until later this day.

**14 JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Shing, the debate was adjourned until later this day.

**15 PUFFING BILLY RAILWAY BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pulford 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.

**16 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.09 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 152 — Wednesday, 6 April 2022

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITION — AMEND THE VICTORIAN FORESTRY PLAN** — Mrs McArthur presented a Petition bearing 893 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the Victorian Forestry Plan to provide for ecologically sustainable production of hardwood timber in state forests, with a focus on high value products and attain the Forest Stewardship Council (FSC) certification for all VicForests timber harvesting operations across Victoria.

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 —

ICT Provisioning in Schools, April 2022 (*Ordered to be published*).

Government Advertising, April 2022 (*Ordered to be published*).

Victorian Law Reform Commission —

Improving the Justice System Response to Sexual Offences: Supplementary Report on 'Grab and Drag' Conduct, December 2021 (*Ordered to be published*).

Stalking — Interim Report, December 2021 (*Ordered to be published*).

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022 — Part 3 — 29 March 2022 (*Gazette No. S157, 29 March 2022*).

Major Events Legislation Amendment (Unauthorised Ticket Packages and Other Matters) Act 2022 — Whole Act — 31 March 2022 (*Gazette No. S157, 29 March 2022*).

**4 PRODUCTION OF DOCUMENTS — CLOSURE OF THE VICTORIAN NATIVE TIMBER INDUSTRY** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 April 2022, in response to the Resolution of the Council of 23 March 2022 (on the motion of Mr Bourman), and further to the Government's responses of 1 December 2021 and 9 March 2022, relating to the closure of the Victorian Native Timber Industry, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**5 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 April 2022, in response to the Resolution of the Council of 23 March 2022 (on the motion of Mr Davis), relating to the Emergency Services Telecommunications Authority, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**6 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO RENEWABLE ENERGY IN VICTORIA** — Mr Hayes moved, by leave, That the Resolution of the Council of 4 March 2020 and the Resolution of the Committee reported to the

House on 2 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 30 April 2022, on Victoria's transition to renewable energy, be amended so as to now require the Committee to present its report by 31 May 2022.

Debate ensued.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY CONSULTANCIES** — Ms Crozier moved, That this House —

- (1) notes that the Emergency Services Telecommunications Authority (ESTA) reported over \$15 million of consultancies listed in its Annual Reports since 2014, of which no final reports have been released; and
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all final reports or, if a final report is not available, an interim or draft report, for the consultancies commissioned by ESTA since 4 December 2014.

Debate ensued.

Question — put and agreed to.

**9 UKRAINE** — Mr Atkinson moved, That this House —

- (1) deplores the unprovoked Russian invasion of the sovereign territory of Ukraine;
- (2) expresses —
  - (a) solidarity with the people of Ukraine and praises their courage in defence of their sovereign nation and democratic values;
  - (b) its shared distress with and support for the Ukrainian community in Victoria as Ukraine fights to remain an independent democratic nation;
  - (c) its gratitude to the countries providing humanitarian aid and support for refugees and the Ukrainians defending their nation;
  - (d) solidarity and support for the Russian citizens risking their safety and freedom in peace protests in Russia;
- (3) condemns —
  - (a) the atrocities and war crimes especially those committed on civilians and children by Russian armed forces at the direction of President Putin;
  - (b) the unconscionable threats made by President Putin involving an escalation in the war against Ukraine and other nations; and
- (4) calls for an immediate cessation of hostilities and the unconditional withdrawal of Russian armed forces.

Debate ensued.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 737, be postponed until later this day.

**11 SEXUAL ASSAULT REPORTING OPTION** — Mr Grimley moved, That this House —

- (1) notes that —
  - (a) the Victorian Law Reform Commission's (VLRC) Report, *Improving the Justice System Responses to Sexual Offences*, found that approximately 87 per cent of people who experience sexual violence do not report it to the police;
  - (b) the VLRC Report found reasons sexual assault victim-survivors do not report to police include wanting to explore restorative justice processes, negative perceptions of police, or thinking their sexual assault is not serious enough to warrant a police report;
  - (c) a Sexual Assault Reporting Option (SARO) is an alternative reporting mechanism that allows victim-survivors to report a range of sexual crimes to designated agencies and receive appropriate support;
  - (d) the South Eastern Centre Against Sexual Assault ran the Sexual Assault Report Anonymously service in Victoria until 2020 where it received 1,200 reports each year;

- (e) in addition to other jurisdictions, NSW's SARO has successfully led to prosecutions on crimes such as sexual assaults and drink spiking, however, the NSW model is not deemed best practice and improvements should be made when adopting the system in Victoria;
- (f) a SARO was recommended by the VLRC Report;
- (2) calls on the Government to —
  - (a) commit to implementing a SARO;
  - (b) begin an Engage Victoria consultation and roundtable with stakeholders to develop a best practice SARO model; and
- (3) requires the Government to table a report on the findings of the Engage Victoria consultation outlined in paragraph (2)(b) in the Legislative Council by 1 September 2022.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**12 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:

- **Duck shooting infringements** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 8 April 2022.
- **Firearms dealers licences** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Friday, 8 April 2022.
- **CFA accommodation** — substantive question asked by Ms Burnett-Wake — response from Ms Symes due Thursday, 7 April 2022.
- **Elective surgery funding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 8 April 2022.
- **Western Ring Road contract** — substantive question asked by Mr Davis — response from Ms Pulford due Thursday, 7 April 2022.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 SEXUAL ASSAULT REPORTING OPTION** — Debate continued on the question, That this House —

- (1) notes that —
  - (a) the Victorian Law Reform Commission's (VLRC) Report, *Improving the Justice System Responses to Sexual Offences*, found that approximately 87 per cent of people who experience sexual violence do not report it to the police;
  - (b) the VLRC Report found reasons sexual assault victim-survivors do not report to police include wanting to explore restorative justice processes, negative perceptions of police, or thinking their sexual assault is not serious enough to warrant a police report;
  - (c) a Sexual Assault Reporting Option (SARO) is an alternative reporting mechanism that allows victim-survivors to report a range of sexual crimes to designated agencies and receive appropriate support;
  - (d) the South Eastern Centre Against Sexual Assault ran the Sexual Assault Report Anonymously service in Victoria until 2020 where it received 1,200 reports each year;
  - (e) in addition to other jurisdictions, NSW's SARO has successfully led to prosecutions on crimes such as sexual assaults and drink spiking, however, the NSW model is not deemed best practice and improvements should be made when adopting the system in Victoria;
  - (f) a SARO was recommended by the VLRC Report;
- (2) calls on the Government to —
  - (a) commit to implementing a SARO;
  - (b) begin an Engage Victoria consultation and roundtable with stakeholders to develop a best practice SARO model; and

- (3) requires the Government to table a report on the findings of the Engage Victoria consultation outlined in paragraph (2)(b) in the Legislative Council by 1 September 2022.

Question — put and agreed to.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 729, be postponed until later this day.

**16 POLITICAL DONATIONS** — Mr Hayes moved, That this House notes that —

- (1) it is critical for public trust in democracy that impartiality in government decision-making not only exists but is seen to exist;
- (2) weak donation laws undermine the public's trust in Victoria's political and bureaucratic processes, by creating perceived conflicts with the flow of money and undue influence in government;
- (3) donations from sectors who rely on the issuing of government permits is highly problematic for public trust;
- (4) a political donation is defined as a gift of money, services, loans, guarantees or property;
- (5) the following donations are not currently categorised as gifts —
  - (a) donations made through attendance at party fundraisers;
  - (b) annual subscriptions to political parties registered in Victoria;
  - (c) annual levies to political parties registered in Victoria;
- (6) subsection 5(2) of the NSW Election Funding Act 2018 relating to political donations specifically states that 'an amount paid by a person as a contribution, entry fee or other payment to entitle that or any other person to participate in or otherwise obtain any benefit from a fundraising venture or function (being an amount that forms part of the gross proceeds of the venture or function)';

and calls on the Government to broaden the definition of 'donation' to include income from party fundraisers, corporate sponsorship of business forums, annual levies and membership fees over \$1,000 per year.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 10

Mr Barton; Mr Bourman; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mr Meddick; Ms Patten; Mr Quilty; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Mr Atkinson; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**17 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.

**18 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**19 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.54 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 153 — Thursday, 7 April 2022

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

2 **JOINT SITTING — VACANCIES IN THE SENATE AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BOARD** — The President reported that the House met with the Legislative Assembly yesterday —

(1) to choose a person to hold the seat in the Senate rendered vacant by the death of Senator Kimberley Kitching and that Ms Jana Stewart was chosen to hold the vacant place in the Senate; and

(2) to elect a Member to the Board of the Victorian Responsible Gambling Foundation and that Mr David Morris MP, was elected to the Board.

3 **THE LATE MR SHANE WARNE** — Ms Symes moved, by leave, That this House expresses its sincere sorrow at the death of Shane Warne and places on record its acknowledgement of his lasting contribution to the game of cricket and to the people of Victoria.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

4 **PUFFING BILLY RAILWAY BILL 2022** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

5 **PETITIONS** —

**ALLOW GREYHOUNDS OFF-LEASH IN DESIGNATED AREAS** — Dr Ratnam presented a Petition bearing 546 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop perpetuating the myth that greyhounds are dangerous by default and allow them to be let off-leash in designated off-leash areas, similar to the privileges of other non-dangerous and non-restricted dog breeds.

Ordered to lie on the Table.

\* \* \* \* \*

**SHADE AND SHELTER FOR ANIMALS** — Dr Ratnam presented a Petition bearing 310 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to legislate the provision of mandatory codes for species-specific shade and/or shelter to protect animals from extreme weather whilst allowing good airflow and the ability for all animals to lie down simultaneously, stand and move about freely.

Ordered to lie on the Table.

6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of the Professional Standards Act 2003 —

Law Institute of Victoria Limited Professional Standards Scheme, of 10 March 2022.

Law Society of South Australia Professional Standards Scheme, of 10 March 2022.

South Australian Bar Association Professional Standards Scheme, of 10 March 2022.

The Queensland Law Society Professional Standards Scheme, of 10 March 2022.

7 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 May 2022.

Mr Davis moved, as an amendment, That all words and expressions after “adjourn” be **omitted** with a view of **inserting** “until Tuesday, 3 May 2022.” in their place.

Debate ensued.

Question — That the amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

Mr Atkinson; Ms Bath; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell;  
Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Original question — That the Council, at its rising, adjourn until Tuesday, 10 May 2022 — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**10 JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barton and Dr Ratnam were circulated.

*Business having been interrupted at 12 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.

**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) AMBULANCE RESPONSE TIMES** — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA ambulance response times —

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.

**FOREST INDUSTRY LITIGATION** — Ms Symes having given answers to a question without notice and supplementary question relating to forest industry litigation —

On the motion of Mr Davis, 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.

\* \* \* \* \*

**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:

- **Vaccine mandates for public venues** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Monday, 11 April 2022.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — 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, 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.

**14 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam 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 without amendment, the Report was adopted.

Ms Symes 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, 27

Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 15 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and the Transport Accident Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Finn (for Mr Davis), the debate was adjourned for one week.

- 16 TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010, the Port Management Act 1995, the Marine Safety Act 2010, the Rail Management Act 1996, the Tourist and Heritage Railways Act 2010 and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

On the motion of Mr Finn (for Dr Bach), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.48 p.m., adjourned until Tuesday, 10 May 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 151, 152 and 153

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### **PUFFING BILLY RAILWAY BILL 2022**

*Committed Tuesday, 5 April 2022*

*Amendments circulated: Mr Davis (p. 1162), Ms Pulford (pp. 1162-3)*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Mr Davis moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put and agreed to.

Clause 6, as amended — put and agreed to.

**Clauses 7 to 9** — put and agreed to.

**New Clause** — Ms Pulford moved Amendment No. 3.

Question — That the New Clause stand part of the Bill — put and agreed to.

**Clauses 10 to 47** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### **JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022**

*Committed Thursday, 7 April 2022*

*Amendments circulated: Mr Barton (pp. 1163-4), Dr Ratnam (pp. 1164-6)*

**Clause 1** — put and agreed to.

**Clause 2** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barton; Dr Cumming; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 2 — put and agreed to.

**Clauses 3 to 37** — put and agreed to.

**New Clause** — Mr Barton moved Amendment No. 1.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Mr Meddick; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clauses 38 to 98** — put and agreed to.

**Clause 99** — Mr Barton moved Amendment No. 2.

Question — That the amendment be agreed to — put and agreed to.

Clause 99, as amended — put and agreed to.

**Clauses 100 to 101** — put and agreed to.

**Clause 102** — Mr Barton moved Amendment No. 3.

Question — That the amendment be agreed to — put and agreed to.

Clause 102, as amended — put and agreed to.

**Clauses 103 to 104** — put and agreed to.

**Clause 105** — Mr Barton moved Amendment No. 4.

Question — That the amendment be agreed to — put and agreed to.

Clause 105, as amended — put and agreed to.

**Clauses 106 to 108** — put and agreed to.

**Clause 109** — Mr Barton moved Amendment No. 5.

Question — That the amendment be agreed to — put and agreed to.

Clause 109, as amended — put and agreed to.

**Clauses 110 to 113** — put and agreed to.

**Bill reported with amendments.**

**PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022**

*Committed Thursday, 7 April 2022*

*Amendments circulated: Dr Ratnam (pp. 1166-7)*

**Clause 1** — put and agreed to.

**Clauses 2 and 3** — Question — That clauses 2 and 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 29

Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 1

Dr Cumming.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 4** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barton; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 24

Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 4 — put and agreed to.

**Clauses 5 to 27** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PUFFING BILLY RAILWAY BILL 2022**Amendments circulated by Mr Davis

1. Clause 6, page 5, line 1, after "maintain" insert "and develop".
2. Clause 6, page 5, line 19, after "Board" insert ", volunteers".

## NEW CLAUSE

3. Insert the following New Clause to follow clause 9—

**"9A Stakeholder consultative committee**

- (1) The Board must establish a stakeholder consultative committee in relation to the Puffing Billy Railway.
- (2) The purpose of the stakeholder consultative committee is to provide to the Board opinions and responses regarding the following matters—
  - (a) business and strategic matters relating to the Puffing Billy Railway;
  - (b) the safe operation and management of the Puffing Billy Railway;
  - (c) the visitor experience provided by the Puffing Billy Railway and the surrounding region;
  - (d) the recruitment, engagement, recognition and retention of volunteers;
  - (e) the maintenance and preservation of the unique heritage of the Puffing Billy Railway.
- (3) The stakeholder consultative committee must consist of members who represent persons whose interests the Board considers likely to be affected by the matters referred to in subsection (2), including—
  - (a) members who represent community service groups; and
  - (b) members who represent historical societies; and
  - (c) at least three members of the Puffing Billy Preservation Society.
- (4) The stakeholder consultative committee must meet at least twice each year for the purpose set out in subsection (2)."

Amendments circulated by Ms Pulford

1. Clause 6, page 5, line 1, after "maintain" insert "and develop".
2. Clause 6, page 5, line 19, after "Board" insert ", volunteers".

## NEW CLAUSE

3. Insert the following New Clause to follow clause 9—

**"9A Stakeholder consultative committee**

- (1) The Board must establish a stakeholder consultative committee in relation to the Puffing Billy Railway within 12 months of the commencement of this section.
- (2) The function of the stakeholder consultative committee is to provide to the Board comments regarding the following matters—

- (a) business and strategic matters relating to the Puffing Billy Railway;
  - (b) the safe operation and management of the Puffing Billy Railway;
  - (c) the visitor experience provided by the Puffing Billy Railway and the surrounding region;
  - (d) the recruitment, engagement, recognition and retention of volunteers;
  - (e) the maintenance and preservation of the heritage of the Puffing Billy Railway.
- (3) The stakeholder consultative committee must consist of members who represent persons whose interests the Board considers may be affected by the matters referred to in subsection (2), including members who represent the following—
- (a) the Puffing Billy Preservation Society;
  - (b) community service groups;
  - (c) local heritage groups;
  - (d) volunteers of the Puffing Billy Railway;
  - (e) local trader associations, chambers of commerce and tourism organisations;
  - (f) communities located near land forming part of the Puffing Billy Railway;
  - (g) Councils, within the meaning of the **Local Government Act 2020**, whose municipal districts include land forming part of the Puffing Billy Railway;
  - (h) schools, within the meaning of the **Education and Training Reform Act 2006**, that are located near land forming part of the Puffing Billy Railway;
  - (i) children and young people associated with the Puffing Billy Railway.
- (4) The stakeholder consultative committee must meet at least twice each year."

## 2. JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022

### Amendments circulated by Mr Barton

#### NEW CLAUSE

1. Insert the following New Clause to follow clause 37—

**'37A Director may decide that enforcement of infringement offence under this Act is not appropriate**

- (1) In section 20(1A) of the **Fines Reform Act 2014**—
  - (a) in paragraph (b), for "available." **substitute** "available;"
  - (b) after paragraph (b) **insert**—
    - "(c) if a tollway operator has withdrawn a request made to an enforcement agency to serve an infringement notice because the tollway operator considers it appropriate to do so having considered the circumstances of the person."
- (2) In section 20(2)(a) of the **Fines Reform Act 2014**, for "a seven-day" **substitute** "subject to subsection (2A), a seven-day".
- (3) After section 20(2) of the **Fines Reform Act 2014** **insert**—
  - "(2A) Subsection (2)(a) does not apply to a seven-day notice that has been served in respect of a registered infringement fine if the infringement offence in respect of which the infringement notice was issued is—

- (a) an offence against section 204(1) of the **EastLink Project Act 2004**; or
  - (b) an offence against section 73(1) of the **Melbourne City Link Act 1995**; or
  - (c) an offence against section 69(1) of the **North East Link Act 2020**; or
  - (d) an offence against section 32(1) of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**."
- (4) After section 20(4) of the **Fines Reform Act 2014** insert—
- "(5) In this section—
- tollway operator** means any of the following—
- (a) the Freeway Corporation within the meaning of the **EastLink Project Act 2004**;
  - (b) the relevant corporation within the meaning of the **Melbourne City Link Act 1995**;
  - (c) the relevant North East Link Tolling Corporation within the meaning of the **North East Link Act 2020**;
  - (d) the relevant West Gate Tunnel Corporation within the meaning of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**."
2. Clause 99, line 25, omit "may" and insert "must".
  3. Clause 102, line 26, omit "may" and insert "must".
  4. Clause 105, line 31, omit "may" and insert "must".
  5. Clause 109, page 64, line 6, omit "may" and insert "must".

*Amendments circulated by Dr Ratnam*

1. Clause 2, after line 32 insert—
 

"(1A) Sections 27A and 27B come into operation on 1 July 2022."
2. Clause 2, line 33, after "Part 2" insert "(other than sections 27A and 27B)".

NEW CLAUSES

3. Insert the following New Clauses to follow clause 27—

**'27A New Division 1 of Part 2 heading inserted**

Before section 4 of the **Fines Reform Act 2014** insert the following heading—

**"Division 1—Director, Fines Victoria".**

**27B New Division 2 of Part 2 inserted**

After section 10 of the **Fines Reform Act 2014** insert—

**"Division 2—Power of Director to reduce infringement penalty, infringement fine or registered infringement fine**

**10AAA Definitions**

In this Division—

**benefit** means—



- (a) any prescribed benefit or allowance under the Social Security Act 1991 of the Commonwealth; or
- (b) any other government benefit or allowance specified by the Attorney-General by notice published on the Internet;

**relevant person** means a person—

- (a) in receipt of a benefit; or
- (b) experiencing financial hardship equivalent, or comparable, to a person in receipt of a benefit.

#### **10AAB Power of Director to reduce infringement penalty or infringement fine on application**

- (1) A relevant person served with an infringement notice may apply to the Director for a reduction of up to 80% of (as the case requires)—
  - (a) the outstanding amount of the infringement penalty, if a penalty reminder notice has not been served on the person under section 29 of the **Infringements Act 2006**; or
  - (b) the outstanding amount of the infringement fine, if the infringement fine has not been registered; or
  - (c) the outstanding amount of the registered infringement fine.
- (2) An application under subsection (1) must be made in the prescribed form and specify—
  - (a) the benefit the relevant person receives; or
  - (b) the nature of the financial hardship the relevant person is experiencing that is equivalent, or comparable, to a person in receipt of a benefit.
- (3) The Director may reduce by up to 80% the outstanding amount of the infringement penalty, infringement fine or registered infringement fine (as the case requires) on the application of a relevant person under subsection (1) if—
  - (a) the Director is satisfied—
    - (i) the person is a relevant person; and
    - (ii) it is appropriate to make the reduction having regard to any circumstances of, or requirements to be met by, the person as specified in the guidelines issued under section 10AAC; and
  - (b) any of the following has not occurred—
    - (i) a seven-day notice has been served and has expired;
    - (ii) the person becomes a declared director;
    - (iii) an attachment of earnings direction or an attachment of debts direction has been made;
    - (iv) a land charge has been recorded.

#### **10AAC Reduction of infringement penalty or infringement fine guidelines**

- (1) For the purposes of this Division, the Attorney-General must make guidelines specifying—
  - (a) the circumstances of, or requirements to be met by, a relevant person, who has been served with an infringement notice to satisfy the Director that it is appropriate to reduce the outstanding amount of infringement penalty,

infringement fine or registered infringement fine (as the case requires) owed by the person; and

(b) the reduction rate to be applied to an infringement penalty, infringement fine or registered infringement fine based on the benefit received; and

(c) any other matter the Attorney-General considers appropriate for inclusion in the guidelines.

(2) The Attorney-General—

(a) must cause guidelines made under this section to be published in the Government Gazette;

(b) may publish guidelines made under this section on the Internet.".'.

### 3. PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022

#### Amendments circulated by Dr Ratnam

1. Clause 4, after line 18 insert—

"**notifiable drug, poison or controlled substance** means a drug, poison or controlled substance that is—

(a) declared to be a notifiable drug, poison or controlled substance by an Order in Council made under section 126; or

(b) prescribed to be a notifiable drug, poison or controlled substance;

**poison or controlled substance** has the same meaning as in section 4(1) of the **Drugs, Poisons and Controlled Substances Act 1981**;".

2. Clause 4, after line 25 insert—

'(da) in the definition of **notification details**—

(i) in paragraph (a)—

(A) for "or a micro-organism" **substitute** ", micro-organism or a drug, poison or controlled substance";

(B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";

(C) for "or micro-organism;" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance;";

(ii) in paragraph (b)—

(A) for "or a micro-organism" **substitute** ", micro-organism or drug, poison or controlled substance";

(B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";

(C) for "or micro-organism;" **substitute** ", micro-organism or drug, poison or controlled substance;".

#### NEW CLAUSES

3. Insert the following New Clauses to follow clause 21—

#### '21A Division 3 of Part 8 heading substituted

For the heading to Division 3 of Part 8 of the Principal Act **substitute**—

**"Division 3—Notifiable conditions, micro-organisms and drugs, poisons or controlled substances".**

**21B New sections 128A and 128B inserted**

After section 128 of the Principal Act **insert—**

**"128A Notification by Chief Commissioner of Police of notifiable drug, poison or controlled substance**

- (1) This section applies if a member of Victoria Police personnel—
  - (a) has reasonable grounds to believe that the member has encountered a notifiable drug, poison or controlled substance in the performance of duties or exercise of powers as such a member; or
  - (b) has been advised by a laboratory service that the laboratory service has isolated or detected a notifiable drug, poison or controlled substance.
- (2) The Chief Commissioner of Police must notify the Secretary of the notification details in accordance with—
  - (a) if the notifiable drug, poison or controlled substance was prescribed to be a notifiable drug, poison or controlled substance by the regulations, the regulations within the prescribed period; or
  - (b) if the notifiable drug, poison or controlled substance was declared to be a notifiable drug, poison or controlled substance in an Order in Council, the Order in Council within the specified period.

**128B Chief Commissioner of Police to report on notifiable drugs, poisons and controlled substances notifications**

The Chief Commissioner of Police must provide to the Minister for Police for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing the number and type of notifiable drug, poison and controlled substance notifications under section 128A.". '.

4. Clause 22, lines 23 and 24, omit all words and expressions on these lines and insert—

- '(1) In section 126(1) of the Principal Act—
  - (a) in paragraph (b), for "micro-organism." **substitute** "micro-organism;"
  - (b) after paragraph (b) **insert—**
    - "(c) a drug, poison or controlled substance to be a notifiable drug, poison or controlled substance.".
- (2) In section 126(2)(a) of the Principal Act—
  - (a) in subparagraph (i), for "or notifiable micro-organism;" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance;"
  - (b) in subparagraph (ii), for "or notifiable micro-organism" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance";
  - (c) in subparagraph (iii), for "or notifiable micro-organism" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance".
- (3) In section 126(2)(c) of the Principal Act—
  - (a) for "practitioners and" **substitute** "practitioners,"
  - (b) for "services." **substitute** "services and notifications to be made by the Chief Commissioner of Police.".
- (4) Section 126(3), (4), (5) and (6) of the Principal Act are **repealed**.'. '.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 154, 155 and 156

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#### No. 154 — Tuesday, 10 May 2022

1 The President took the Chair at 11.33 a.m., read the Prayer and made an Acknowledgement of Country.

2 **THE LATE HONOURABLE THOMAS CARTER REYNOLDS** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 26 March 2022, of the Honourable Thomas Carter Reynolds, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Gisborne from 1979 to 1999, and as Minister for Sport, Recreation and Racing from 1992 to 1996 and Minister for Rural Development and Minister for Sport from 1996 to 1999.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

3 **THE LATE HONOURABLE RONALD WILLIAM “BUNNA” WALSH** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 30 March 2022, of the Honourable Ronald William “Bunna” Walsh and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Electoral Province of Melbourne West in 1970 and Member of the Legislative Assembly for the Electoral District of Albert Park from 1979 to 1992, and as Minister for Public Works from 1985 to 1987, Minister Assisting the Minister for Employment and Industrial Affairs from 1985 to 1986, Minister Assisting the Minister for Labour from 1986 to 1987, Minister for Housing and Construction from 1987 to 1988, and from 1988 to 1990 as the Minister for Water Resources and Minister for Property and Services.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

As a further mark of respect to the Honourable Thomas Reynolds and the Honourable Ronald Walsh, the sitting was suspended for one hour.

*[Sitting suspended from 12.02 p.m. until 1.09 p.m.]*

4 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 12 April 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Public Health and Wellbeing Amendment Act 2022*

*Puffing Billy Railway Act 2022.*

5 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that, on 11 April 2022, she had received the written resignation of Mr David Limbrick as a Member of the Victorian Legislative Council.

The President further announced that he had received a letter from Mr Limbrick, on 11 April 2022, notifying of his intention to seek election in the Federal Parliament and that if he fails to secure that election he intends to again become the candidate for the vacant seat in the Legislative Council.

The President noted that, pursuant to section 62 of the *Electoral Act 2002*, a joint sitting to fill Mr Limbrick's vacancy must be delayed until the result of the Commonwealth election has been officially declared.

- 6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Duck shooting prosecutions** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 12 May 2022.
- **Melton Hospital construction** — substantive question asked by Dr Cumming — response from Ms Symes due Thursday, 12 May 2022.
- **Vaccine mandates for workers** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Thursday, 12 May 2022.

- 7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 8 PETITIONS** —

**WITHDRAW THE HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021** — Mr Quilty presented a Petition bearing 3,398 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately withdraw the Health Legislation Amendment (Information Sharing) Bill 2021 until further consultation has occurred over how a consent process can be incorporated into the reform.

Ordered to lie on the Table.

\* \* \* \* \*

**SUSPEND THE KANGAROO HARVEST PROGRAM** — Dr Ratnam presented a Petition bearing 820 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to suspend the 2021 commercial Kangaroo Harvest Program, apply accurate methods for counting kangaroos, undertake and publish research into kangaroo populations and allegations of damage and abandon plans for all future commercial harvesting of macropods.

Ordered to lie on the Table.

- 9 PAPERS** —

**UNIVERSITY OF DIVINITY REPORT, 2021** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2021.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**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 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE EDUCATION AND PREVENTION FUNCTIONS OF VICTORIA'S INTEGRITY AGENCIES** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 19 April 2022, the Clerk laid on the Table the Integrity and Oversight Committee's Report on the Inquiry into the education and prevention functions of Victoria's integrity agencies (including Appendices).

Ms Shing presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**REPORT TO PARLIAMENT ON THE EXTENSION OF THE PANDEMIC DECLARATION —**

Pursuant to section 165AG(5) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 19 April 2022, the Clerk laid on the Table a copy of the Report to Parliament on the extension of the pandemic declaration.

\* \* \* \* \*

**BUDGET PAPERS, 2022-23 —** Pursuant to section 27E of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2022-23 —

- (a) Budget Paper No. 2 – Strategy and Outlook;
- (b) Budget Paper No. 3 – Service Delivery;
- (c) Budget Paper No. 5 – Statement of Finances (incorporating Quarterly Financial Report No. 3).

Ms Pulford moved, by leave, That there be laid before this House a copy of the 2022-23 —

- (a) Budget Paper No. 1 – Treasurer’s Speech;
- (b) Budget Paper No. 4 – State Capital Program;
- (c) Budget Overview;
- (d) Budget Information Paper – Suburban;
- (e) Budget Information Paper – Rural and Regional; and
- (f) Budget Information Paper – Gender Equality Budget Statement.

Question — put and agreed to.

The papers were presented by Ms Pulford and ordered to lie on the Table.

On the motion of Ms Pulford, the Budget Papers, 2022-23 were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Bendigo Kangan Institute — Report, 2021.

Box Hill Institute — Report, 2021.

Chisholm Institute — Report, 2021.

Crown Land (Reserves) Act 1978 — Minister’s Order of 30 September 2021 giving approval to the granting of a lease at Gillott Reserve.

Deakin University — Report, 2021.

Drugs, Poisons and Controlled Substances Act 1981 — Report under section 96 by the Chief Commissioner of Victoria Police for 2021.

Duties Act 2000 — Treasurer’s Report for 1 July 2021 to 31 December 2021 of Foreign Purchaser Additional Duty Exemptions, under section 3E(2) of the Act.

Federation University Australia — Report, 2021.

Financial Management Act 1994 —

Explanation from the Minister for Energy, Environment and Climate Change, under section 46(3)(a) of the Act, for the delay of the 2021 Reports of the —

Falls Creek Alpine Resort Management Board.

Mount Buller and Mount Stirling Alpine Resort Management Board.

Mount Hotham Alpine Resort Management Board.

Southern Alpine Resort Management Board.

Explanation from the Minister for Higher Education, under section 46(3)(a) of the Act, for the delay of the 2021 Report of the University of Melbourne.

Gordon Institute of TAFE — Report, 2021.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2021.

Holmesglen Institute — Report, 2021.

- La Trobe University — Report, 2021.  
Melbourne Polytechnic — Report, 2021.  
Monash University — Report, 2021.  
Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Inquiry into Auditor-General's Report No. 202: Meeting Obligations to Protect Ramsar Wetlands (2016).  
Parliamentary Salaries, Allowances and Superannuation Act 1968 — Compliance Officer — Statement of Findings: Appeal of a decision to reject a claim under the Electorate Office and Communications Budget, under section 9H of the Act (*Ordered to be published*).  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —  
    Ararat, Northern Grampians and Pyrenees Planning Schemes — Amendment GC200.  
    Banyule Planning Scheme — Amendments C160 and C164.  
    Boroondara Planning Scheme — Amendments C357, C362 and C375.  
    Darebin Planning Scheme — Amendment C207.  
    Greater Shepparton Planning Scheme — Amendment C235.  
    Hepburn Planning Scheme — Amendments C81 and C82.  
    Mansfield Planning Scheme — Amendment C45.  
    Maroondah Planning Scheme — Amendment C137.  
    Melbourne Planning Scheme — Amendment C424.  
    Monash Planning Scheme — Amendment C152.  
    Moonee Valley Planning Scheme — Amendment C209.  
    Moreland Planning Scheme — Amendment C215.  
    Nillumbik Planning Scheme — Amendment C141.  
    Port of Melbourne Planning Scheme — Amendment C4.  
    Towong Planning Scheme — Amendment C38.  
    Victoria Planning Provisions — Amendment VC210.  
    Warrnambool Planning Scheme — Amendment C204.  
    Wodonga Planning Scheme — Amendment C137.  
Royal Melbourne Institute of Technology (RMIT University) — Report, 2021.  
South West Institute of TAFE — Report, 2021.  
Statutory Rules under the following Acts of Parliament —  
    Confiscation Act 1997 — No. 21.  
    City of Melbourne Act 2001 — Local Government Act 2020 — No. 24.  
    Magistrates' Court Act 1989 — No. 20.  
    Sex Work Act 1994 — Nos. 22 and 23.  
Subordinate Legislation Act 1994 —  
    Documents under section 15 in relation to an Order under the Occupational Health and Safety Act 2004 approving the Lead compliance code.  
    Documents under section 15 in respect of Statutory Rule Nos. 20, 22 and 23.  
    Legislative Instruments and related documents under section 16B in respect of —  
        Amendments of 29 March 2022 to the Environment Reference Standard made on 25 May 2021, under the Environment Protection Act 2017.  
        Keno Harm Minimisation Direction of 13 April 2022, under section 6A.7.2 of the Gambling Regulation Act 2003.  
        Revised Victorian Gambling and Casino Control Commission Gaming Machine Rules (Casino) of 28 April 2022, under the Gaming Regulation Act 2003.  
Sunraysia Institute of TAFE — Report, 2021.  
Swinburne University of Technology — Report, 2021.  
TAFE Gippsland — Report, 2021.  
Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2021 period, under section 37D of the Act.  
Victoria University — Report, 2021.  
William Angliss Institute of TAFE — Report, 2021.  
Wodonga Institute of TAFE — Report, 2021.



**10 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY CONSULTANCIES** — The Clerk laid on the Table a letter from the Acting Attorney-General, dated 21 April 2022 in response to the Resolution of the Council of 6 April 2022 (on the motion of Ms Crozier), relating to Emergency Services Telecommunications Authority consultancies, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**11 BUSINESS OF THE COUNCIL** — Mr Barton moved, by leave, That precedence be given to the following General Business on Wednesday, 11 May 2022 —

- (1) Notice of motion No. 742, standing in the name of Mr Barton on the establishment of a Tribunal to oversee all non-employee transport work and workers;
- (2) the notice of motion given this day by Mr Davis calling on the Premier to stand aside from all official responsibilities;
- (3) the notice of motion given this day by Mr Davis on Victorian Building Authority fee increases;
- (4) the notice of motion given this day by Mr Davis on the production of documents relating to all correspondence between the Premier and Mr John Woodman and his employees and companies;
- (5) the notice of motion given this day by Mr Meddick on phasing out the use of 1080 poison; and
- (6) Order of the Day No. 49, resumption of debate on a motion for hybrid sittings.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**14 TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time. Amendments proposed to be moved in Committee by Mr Davis (two sets) were circulated. On the motion of Ms Symes, the debate was adjourned until the next day of meeting.

**15 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.17 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 155 — Wednesday, 11 May 2022

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

2 **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 —

Fraud Control Over Local Government Grants, May 2022 (*Ordered to be published*).

Offsetting Native Vegetation Loss on Private Land, May 2022 (*Ordered to be published*).

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes —

Melbourne Planning Scheme — Amendment C385.

Whittlesea Planning Scheme — Amendment C259.

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment 122, under section 46D of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 28.

Wildlife Act 1975 —

Wildlife (Partial Closure of Dowd Morass State Game Reserve) Notice (*Gazette No. S153, 28 March 2022*).

Wildlife (Prohibition of Electronic Acoustic Quail Lures) Notice (*Gazette No. S152, 28 March 2022*).

Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S114, 8 March 2022*).

Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette No. S122, 11 March 2022*).

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**4 ESTABLISHMENT OF A TRIBUNAL TO OVERSEE ALL NON-EMPLOYEE TRANSPORT WORK AND WORKERS** — Mr Barton moved, That this House —

(1) calls on the Government to establish a Tribunal comprised of industry experts to oversee all non-employee transport work and workers, regardless of label, in Victoria that will have the power to —

(a) set minimum and enforceable standards, including pay and conditions, across a company, sector or industry;

(b) enter into enforceable and certified collective agreements through a bargaining regime;

(c) resolve any disputes, including unfair terminations of contract, through conciliation and arbitration;

(d) review unfair contracts, including where the contracts become unfair in the course of operation;

(2) further calls on the Government to —

(a) ensure that there is an adequate enforcement regime underpinning the work of the Tribunal as well as appropriate auditing, training and education through the transport industry;

(b) require the Tribunal to report back to the Government on the exercise of its powers in its first 12 months of operation, by no later than four months following the conclusion of the Tribunal's first 12 months of operation; and

(c) table the Tribunal's report in the Legislative Council.

Debate ensued.

Question — put and agreed to.

**5 PREMIER, HON DANIEL ANDREWS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION SANDON** — Mr Davis moved, That this House calls on the Premier, the Hon Daniel Andrews MP, to stand aside from all official responsibilities until the Independent Broad-based Anti-corruption Commission's report on Operation Sandon has been tabled in Parliament and during this time not participate in any executive or administrative decision-making.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Leongatha pedestrian crossing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Friday, 13 May 2022.
- **Emergency Services Telecommunications Authority — call response data** — substantive and supplementary questions asked by Ms Crozier — response from Ms Symes due Thursday, 12 May 2022.

- **Albury-Wodonga hospital** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Friday, 13 May 2022.
- **Local Government funding** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Thursday, 12 May 2022.
- **Uber – misleading and deceptive conduct** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 13 May 2022.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 PREMIER, HON DANIEL ANDREWS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION SANDON** — Debate continued on the question, That this House calls on the Premier, the Hon Daniel Andrews MP, to stand aside from all official responsibilities until the Independent Broad-based Anti-corruption Commission's report on Operation Sandon has been tabled in Parliament and during this time not participate in any executive or administrative decision-making.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 768, be postponed until later this day.

**10 PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution, all emails and other correspondence since 4 December 2014 between the Premier or the Office of the Premier and —

- (1) Mr John Woodman;
- (2) Mr John Woodman's employees; and
- (3) Mr John Woodman's companies.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**11 PHASING OUT THE USE OF 1080 POISON** — Mr Meddick moved, That this House —

- (1) recognises that sodium monofluoroacetate, commonly known as 1080 poison —
  - (a) is a highly dangerous neurotoxic poison with no antidote;
  - (b) is identified by the Council of Australian Governments as a chemical of security concern;
  - (c) is banned in most countries around the world because of its extraordinary cruelty;
  - (d) causes animals to suffer a prolonged, excruciatingly painful death;
  - (e) is impossible to be used while limiting deaths to a target species;
  - (f) is indiscriminate and kills endangered native species;
  - (g) can also kill by secondary contamination, where another animal preys on an affected animal after death;
- (2) calls on the Government to —

- (a) implement recommendation seven of the Environment and Planning Committee's Report on the *Inquiry into ecosystem decline*, tabled in December 2021, by introducing a phase-out of the use of 1080 poison, to be finalised by December 2023 —
  - (i) in Victoria's national parks, beginning in July 2022;
  - (ii) on private and agricultural land, after 12 months; and
- (b) commit to further investment and introduction of alternatives, including but not limited to immunocontraception, as an urgent priority.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Ms Shing moved, by leave, That Standing and Sessional Orders be suspended to allow additional time for debate on this motion to occur.

Question — put and agreed to.

On the motion of Ms Tierney, the debate was adjourned until later this day.

**12 SESSIONAL ORDERS — HYBRID SITTINGS** — Debate resumed on the question, That so much of Standing and Sessional Orders be suspended to allow the following arrangements to come into effect tomorrow and remain in place until the House resolves otherwise:

**1. Remote participation**

Members may participate in debate remotely using an audio-visual link as follows:

- (1) The Chair must be satisfied that the quality of the audio-visual link allows the Chair to verify the identity of that Member and for the Member to participate.
- (2) A Member participating remotely is not counted for the purposes of a quorum.
- (3) A Member participating remotely shall not vote and a Member that is not in the Chamber at the time of a division may register their opinion on the question by notifying the Clerk in writing of their opinion (either 'Aye' or 'Noe') after the commencement of the matter in the House and before the President reports the result of the vote to the House, and any such opinion will be published, separately from the results of the vote, in Hansard and the Minutes of Proceedings.
- (4) Members participating remotely may do all things a Member in the Chamber may do, except —
  - (a) chair the debate;
  - (b) refuse leave;
  - (c) take, or speak on, a point of order unless it is taken by another member during their contribution;
  - (d) call the Chair's attention to the state of the House;
  - (e) call for a division;
  - (f) vote;
  - (g) move a motion for the closure of debate under Standing Order 12.25 or be counted in support of a closure of debate motion under Standing Order 12.25(2); and
  - (h) be counted for the purposes of satisfying an absolute or special majority requirement.
- (5) In order to assist Members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and Members wishing to participate remotely may seek the call by —
  - (a) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition Member; and
  - (b) informing the Clerk, who will inform the Chair in advance — for any other Member.
- (6) When a Member participates remotely, the Chair may exercise all their usual powers to control the debate.
- (7) The Chair is given any additional powers necessary to facilitate the smooth running of the House and/or to address any technical issues, including but not limited to —
  - (a) stopping the clock;
  - (b) returning to a Member's contribution; and
  - (c) re-ordering business.
- (8) The President may issue formal Guidelines from time to time about remote participation which must not be inconsistent with this temporary order and must be complied with as

if they are temporary orders and the President may take any action necessary should Members not abide by the Guidelines.

On the motion of Ms Tierney, the debate was adjourned until the next day of meeting.

**13 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.

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.56 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 156 — Thursday, 12 May 2022

**1** The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

**2 DEATH OF SENIOR CONSTABLE BRIA JOYCE** — Members, by leave, made statements of condolence acknowledging the tragic death of Senior Constable Bria Joyce.

Members stood in their places as a mark of respect to the memory of the late Senior Constable Bria Joyce.

**3 JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**4 PAPERS** —

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO SECOND REPORT ON THE INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD** — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Second report on the Inquiry into the closure of I Cook Foods Pty Ltd.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 21.

**5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 24 May 2022.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**8 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) — RELEASE OF ASHTON REPORT** — Ms Symes having given answers to a question without notice and supplementary question relating to the release of the Ashton report on ESTA —

On the motion of Ms Crozier, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice and Ministers' Statements continued.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Horse-drawn carriages in Melbourne CBD** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Monday, 16 May 2022.
- **Association of Southeast Asian Nations (ASEAN) business forum** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 16 May 2022.
- **Green Wedges development controls** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 16 May 2022.
- **Family violence – coercive control** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 16 May 2022.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**11 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Quilty were circulated.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis (DD106C) were outside the scope of the Bill —*

Mr Ondarchie (for Mr Davis) moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Parliamentary Committees Act 2003* to provide for the establishment of a Road Safety Committee as a Joint House Committee under that Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Bourman; Mr Elasmarr; Mr Gepp; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Mr Barton; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Dr Cumming; Mr Hayes; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:

In Clause 39, line 28, '**Safety**' has been inserted after '**Road**' in the new Division heading to be inserted into the *Transport Accident Act 1986*.

**12 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Ms Crozier moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this Bill be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 15 September 2022."

Debate ensued.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

**13 TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022** — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis (DD104C) were outside the scope of the Bill —*

Mr Davis (for Mr Rich-Phillips) moved, That it be an instruction to the Committee that they have power to consider a New Clause to amend the *Transport Integration Act 2010* in relation to the laying before each House of the Parliament the Transport Plan prepared under that Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Elasmarr; Mr Gepp; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — The President announced that he had received a further report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:

In Clause 39, page 35, line 4, '**Safety**' has been inserted after '**Road**'.

- 15 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Dairy Act 2000, the Drugs, Poisons and Controlled Substances Act 1981, the Farm Debt Mediation Act 2011, the Livestock Disease Control Act 1994, the Plant Biosecurity Act 2010, the Rural Assistance Schemes Act 2016, the Veterinary Practice Act 1997, the Wildlife Act 1975 and the Meat Industry Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

On the motion of Mr Ondarchie (for Ms Bath), the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes at Sea Act 1999 to update references to Commonwealth legislation, to amend the Equal Opportunity Act 2010 in relation to secrecy provisions and an exemption relating to religious schools, to amend the Charter of Human Rights and Responsibilities Act 2006 to use gender inclusive language, to make miscellaneous amendments to the Judicial College of Victoria Act 2001, to amend the Magistrates' Court Act 1989 in relation to rule making powers, to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to federal subject matter, to amend the Births, Deaths and Marriages Registration Act 1996 in relation to integrated birth certificates, to make miscellaneous amendments to the Adoption Act 1984 and to amend the Gender Equality Act 2020 to enable the Commissioner and specified persons to use or disclose information obtained under Division 3 of Part 7 of that Act in certain circumstances and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 17 VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to provide a new scheme for providing financial assistance to victims of crime, to amend the Victims of Crime Assistance Act 1996 and the Victims of Crime Commissioner Act 2015, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.



**18 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.28 p.m., adjourned until Tuesday, 24 May 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 154, 155 and 156

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### ROAD SAFETY LEGISLATION AMENDMENT BILL 2022

*Committed Thursday, 12 May 2022*

*Amendments circulated: Mr Davis (pp. 1186-7), Mr Quilty (p. 1187)*

**Clause 1** — Mr Ondarchie (for Mr Davis) moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Mr Barton; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 16

Mr Elasmarr; Mr Gepp; Mr Grimley; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 40** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022

*Committed Thursday, 12 May 2022*

*Amendments circulated: Mr Davis (DD104C and DD105C) (pp. 1187-9)*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr Rich-Phillips (for Mr Davis) moved Amendment Nos. 1 to 5 (DD105C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 21

Mr Barton; Mr Elasmarr; Mr Gepp; Mr Grimley; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 27** — put and agreed to.

**New Clause** — Mr Rich-Phillips (for Mr Davis) moved Amendment No. 1 (*DD104C*).

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 16

Mr Barton; Mr Elasmarr; Mr Gepp; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 28 to 31** — put and agreed to.

**Clause 32** — Mr Rich-Phillips (for Mr Davis) moved Amendment Nos. 6 to 10 (*DD105C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 9

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 22

Mr Barton; Mr Elasmarr; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 32 — put and agreed to.

**Clause 33** — Mr Rich-Phillips (for Mr Davis) moved Amendment No. 11 (*DD105C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 33 — put and agreed to.

**Clauses 34 to 98** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. ROAD SAFETY LEGISLATION AMENDMENT BILL 2022***Amendments circulated by Mr Davis*

1. Clause 1, page 2, line 6, omit "purposes." and insert "purposes; and".
2. Clause 1, page 2, after line 6 insert—
  - "(c) to amend the **Parliamentary Committees Act 2003** to provide for the establishment of a Road Safety Committee as a Joint House Committee."
3. Clause 2, after line 7 insert—
  - "(1) Part 3A and this Part come into operation on the day after the day on which this Act receives the Royal Assent."
4. Clause 2, lines 8 and 9, omit all words and expressions on these lines and insert—
  - "(2) Subject to subsection (3), remaining provisions of this Act come into operation on a day or days to be proclaimed."
5. Clause 2, line 10, omit "(2)" and insert "(3)".
6. Page 35, after line 5 insert the following new Part heading—

**"Part 3A—Amendment of Parliamentary Committees Act 2003".**

## NEW CLAUSES

7. Insert the following New Clauses to follow clause 39 and the heading proposed by amendment number 6—

**'39A Establishment of Joint House Committees**

After section 5(i) of the **Parliamentary Committees Act 2003** insert—

"(j) the Road Safety Committee;"

**39B New section 15A inserted**

After section 15 of the **Parliamentary Committees Act 2003** insert—

**"15A Road Safety Committee**

The functions of the Road Safety Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

- (a) road trauma;
- (b) safety on roads and related matters."

**39C Membership of Joint Investigatory Committees**

After section 21(1) of the **Parliamentary Committees Act 2003** insert—

"(1A) Despite subsection (1), the Public Road Safety Committee must consist of 7 members, of whom—

- (a) 4 must be members of the Assembly, 3 of which must be nominated by the Premier and one of which must be nominated by the Leader of the Opposition; and

- (b) 3 must be members of the Council—
- (i) one of which must be nominated by the Leader of the Government in the Council; and
  - (ii) one of which must be nominated by the Leader of the Opposition in the Council; and
  - (iii) one of which must be a member of the Council jointly nominated by the members of the Council who are not either—
    - (A) members of the party with the majority of members in the Assembly; or
    - (B) members of the Opposition.".'.

## AMENDMENT OF LONG TITLE

8. Long title, omit "and the **Transport Accident Act 1986**" and insert ", **Transport Accident Act 1986** and the **Parliamentary Committees Act 2003**".

Amendments circulated by Mr Quilty

1. Clause 1, after line 11 insert—  
 "(ab) to amend the **Road Safety Act 1986** to provide that certain offences against that Act and the Road Rules do not apply in certain cases where the driver of a motor cycle is exceeding the speed limit by not more than 5 km per hour; and".

## NEW CLAUSE

2. Insert the following new clause to follow clause 5—  
**'5A New section 84BAB inserted**

After section 84BAA of the **Road Safety Act 1986** insert—

**"84BAB Exemption for motor cycles exceeding speed limit**

Despite anything to the contrary in this Act or any other law, a driver of a motor cycle is not guilty of an offence against section 64(1) or any Rules made under this Act in relation to obeying the speed limit if the driver—

- (a) is driving in excess of the speed limit applying to the driver by not more than 5 km per hour; and
- (b) having regard to all of the circumstances of the case, it is safest to exceed the speed limit in those circumstances.".'.

## 2. TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022

Amendments circulated by Mr Davis (DD104C)

## NEW CLAUSE

1. After clause 27 insert—

**'27A Transport Plan**

For section 63(4) of the **Transport Integration Act 2010** substitute—

"(4) The Minister must ensure that a copy of the transport plan is laid before each House of the Parliament within 120 days after receiving the plan from the Secretary.".

Amendments circulated by Mr Davis (DD105C)

1. Clause 5, page 9, line 13, omit "system." and insert "system;".
2. Clause 5, page 9, after line 13 insert—
  - "(f) to ensure that the development of the Victorian ports system is prudent and efficient and is carried out consistently with any relevant transport legislation and any standards and codes developed under relevant transport legislation."
3. Clause 5, page 9, after line 24 insert—
  - "(ba) to monitor proposals relating to the development of the capacity of port land and port waters for which Ports Victoria is responsible; and
  - (bb) to monitor and provide advice, guidance and expertise to the Minister on any emerging trends relating to the Victorian ports system, including but not limited to trends relating to the capacity of port land and port waters; and"
4. Clause 5, page 10, after line 25 insert—
  - "(ja) to provide advice, guidance and expertise to port managers of commercial trading ports in relation to the preparation of Port Development Strategies in accordance with the **Port Management Act 1995**; and"
5. Clause 5, page 13, after line 16 insert—
  - "(8) In this section—
 

**Port Development Strategy** has the same meaning as it has in section 91J of the **Port Management Act 1995**."
6. Clause 32, page 35, line 10, omit "provided; and" and insert "provided."
7. Clause 32, page 35, lines 11 and 12, omit all words and expressions on these lines.
8. Clause 32, page 36, after line 2 insert—
  - "(3) In determining whether to make a towage service licence subject to a condition under this section, Ports Victoria must be satisfied that the condition would not have an unreasonable adverse impact on the licence holder, having regard to the conditions to which similar towage service licences are subject."
9. Clause 32, page 38, after line 6 insert—
  - "(4) In determining whether to amend, remove or impose a condition of a towage service licence under this section, Ports Victoria must consider whether the proposed amendment, removal or imposition of the condition would have an unreasonable adverse impact on the licence holder, having regard to the conditions to which similar towage service licences are subject."
10. Clause 32, page 39, after line 11 insert—
  - "(5) In determining whether to amend, remove or impose a condition of a towage service licence under this section, Ports Victoria must consider whether the proposed amendment, removal or imposition of the condition would have an unreasonable adverse impact on the licence holder, having regard to the conditions to which similar towage service licences are subject."
11. Clause 33, page 52, after line 20 insert—
  - "(2A) Without limiting subsection (1), standards determined under that subsection must provide for continuity of pilotage services, including but not limited to—



- (a) the hours during which pilotage services must be provided; and
- (b) the prevention or minimisation of threats to the continuity of pilotage services, including threats (whether temporary or permanent) to the availability of physical or labour resources required for the service."





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 157, 158 and 159

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#### No. 157 — Tuesday, 24 May 2022

- 1 The President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 18 May 2022 —  
*Justice Legislation Amendment (Fines Reform and Other Matters) Act 2022*
  - On 24 May 2022 —  
*Road Safety Legislation Amendment Act 2022*  
*Transport Legislation Amendment (Port Reforms and Other Matters) Act 2022.*
- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**ASHTON REVIEW OF THE EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA)** — Ms Symes having given answers to a question without notice and supplementary question relating to the Ashton review of ESTA —  
On the motion of Mr Davis, 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.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:
  - **Police resources in Northern Region** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Thursday, 26 May 2022.
  - **Protection of koala habitat** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Thursday, 26 May 2022.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 5 **PETITION — BUS STOP AT YARRUNGA COMMUNITY CENTRE** — Mr Barton presented a Petition bearing 197 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review public transport services to the Croydon Hills area, include Croydon Hills Drive as part of the existing bus route 672 and create a bus stop directly outside the Yarrunga Community Centre.  
Ordered to lie on the Table.

- 6 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2022** — Ms Maxwell introduced *A Bill for an Act to amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Amendment (Forest Firefighters Presumptive Rights Compensation) Act 2021 to provide for additional specified forms of cancer that are presumed to be caused by the nature of a firefighter's employment for the purposes of claiming compensation.*

On the motion of Ms Maxwell, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 7 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Essential Services Commission — Accident towing fees review 2021: Final report and recommendations, 1 April 2022, under section 212G of the *Accident Towing Services Act 2007*.

Municipal Association of Victoria — Report, 2020-21.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Baw Baw Planning Scheme — Amendment C139.

Boroondara Planning Scheme — Amendment C355.

Cardinia Planning Scheme — Amendment C257.

Greater Bendigo Planning Scheme — Amendment C261.

Greater Geelong Planning Scheme — Amendment C422.

Mansfield Planning Scheme — Amendment C50.

Moreland Planning Scheme — Amendment C216.

Nillumbik Planning Scheme — Amendment C131.

Stonnington Planning Scheme — Amendments C297, C317 and C318.

Victoria Planning Provisions — Amendment VC218.

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 25.

Gas Safety Act 1997 — No. 29.

Long Service Benefits Portability Act 2018 — No. 26.

Road Safety Act 1986 — Nos. 30 and 31.

Service Victoria Act 2018 — No. 27.

Summary Offences Act 1966 — No. 28.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 24, 26, 27, 30 and 31.

- 8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 25 May 2022 —

- (1) Order of the Day made this day by Ms Maxwell, second reading of the Firefighters' Presumptive Rights Compensation Legislation Amendment Bill 2022;
- (2) the notice of motion given this day by Ms Crozier on the Ashton review into the capabilities of the Emergency Services Telecommunications Authority;
- (3) the notice of motion given this day by Mr Davis on funding for the Independent Broad-based Anti-corruption Commission and the Victorian Ombudsman;
- (4) the notice of motion given this day by Mr Quilty on the establishment of a Royal Commission into the integrity of COVID-19 public health directions;
- (5) Order of the Day No. 63, resumption of debate on a production of documents motion relating to correspondence between the Premier and Mr John Woodman and his employees and companies; and

(6) Notice of motion No. 768, standing in the name of Mr Davis on Victorian Building Authority fee increases.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**11 JUSTICE LEGISLATION AMENDMENT BILL 2022** — 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 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Bath (*MB03C*), Mr Meddick (*AM26C and AM28C*) and Dr Ratnam (*SR104C*) were circulated.

On the motion of Ms Taylor, the debate was adjourned until later this day.

**13 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.07 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 158 — Wednesday, 25 May 2022

1 The President took the Chair at 9.33 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gambling Regulation Act 2003 — Report of Independent Review Panel — Keno Licensing Project, May 2022, under section 10.2A.11 of the Act (*Ordered to be published*).

Land Tax Act 2005 — Treasurer's Report for 1 July 2021 to 31 December 2021 of Land Tax Absentee Owner Surcharge Exemptions, under section 3BB of the Act.

Planning and Environment Act 1987 — Notice of Approval of an amendment to the Golden Plains Planning Scheme — Amendment C100.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —

12 April 2022.

22 April 2022.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**4 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2022** — Ms Maxwell laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Maxwell moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**5 ASHTON REVIEW INTO THE CAPABILITIES OF THE EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — Ms Crozier moved, That this House —

(1) notes —

- (a) the Ashton review into the capabilities of the Emergency Services Telecommunications Authority (ESTA) and its call-taking failures does not adequately grapple with the serious, urgent and life-threatening issues at ESTA, appearing to not seriously or properly engage with deaths caused, in whole or in part, by ESTA's failings;
- (b) that the Ashton review instead provides a set of recommendations focussed on 'cultural reform', 'rebranding', 'partnerships', 'strategic roadmaps' and 'management plans', which is management speak that fails to grapple with the life and death issues involved or to provide an urgent solution to ensure that the triple zero call taking service meets all benchmarks, provides adequate services and stops unacceptable delays and the unnecessary deaths of Victorians; and

(2) calls on ESTA to publicly release weekly performance reports from 1 July 2022.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Barton; Mr Elasmarr; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**6 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Mr Davis moved, That this House —

(1) notes that —

- (a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;
- (b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —
  - (i) Operation Watts,
  - (ii) Operation Sandon;
  - (iii) Operation Richmond;
- (c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and

(2) calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

- 7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Drug checking service** — substantive question asked by Ms Patten — response from Ms Symes due Friday, 27 May 2022.
- **Community hospitals – election promise** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 27 May 2022.
- **Alcohol and drug treatment funding** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Friday, 27 May 2022.
- **Firearms registry** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Friday, 27 May 2022.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 9 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Debate continued on the question, That this House —

(1) notes that —

- (a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;
- (b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —
  - (i) Operation Watts,
  - (ii) Operation Sandon;
  - (iii) Operation Richmond;
- (c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and

(2) calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

On the motion of Mr Rich-Phillips, the debate was adjourned until later this day.

- 10 ESTABLISHMENT OF A ROYAL COMMISSION INTO THE INTEGRITY OF COVID-19 PUBLIC HEALTH DIRECTIONS** — Mr Quilty moved, That this House —

(1) notes that the Government's response to the COVID-19 pandemic has caused significant harm to Victorians, including —

- (a) the loss of liberty and violation of human rights;
- (b) economic hardship, debt, and consumption of savings;
- (c) the deterioration of mental and physical health;
- (d) damage to the reputation of public institutions;
- (e) reduction in the enjoyment of life;
- (f) other expected future harms;

(2) further notes that the Government's response to the COVID-19 pandemic was largely executed unilaterally using public health powers under the *Public Health and Wellbeing Act 2008*;

(3) calls on the Government to establish a Royal Commission to —

- (a) investigate the integrity of COVID-19 public health directions, including —
  - (i) the evidentiary basis for the directions;

- (ii) the consideration of expected harms caused by the directions;
- (iii) the influence the Government had on directions issued by the Chief Health Officer;
- (b) investigate human rights violations that resulted from COVID-19 public health directions;
- (c) examine the harms and expected future harms caused by COVID-19 public health directions; and
- (d) provide recommendations to protect Victorians against harms caused by the Government as a result of the use of emergency powers, pandemic powers and any other related powers.

Debate ensued.

Question — put and agreed to.

**11 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Debate resumed on the question, That this House —

(1) notes that —

- (a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;
  - (b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —
    - (i) Operation Watts,
    - (ii) Operation Sandon;
    - (iii) Operation Richmond;
  - (c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and
- (2) calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**12 PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — Debate resumed on the question, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution, all emails and other correspondence since 4 December 2014 between the Premier or the Office of the Premier and —

- (1) Mr John Woodman;
- (2) Mr John Woodman's employees; and
- (3) Mr John Woodman's companies.

Question — put and agreed to.



- 13 VICTORIAN BUILDING AUTHORITY FEE INCREASES** — Mr Davis moved, That this House —
- (1) calls on the Andrews Labor Government to reverse its decision to massively increase registration charges on builders, building companies, building surveyors and others from 2 May 2022; and
  - (2) notes that these Victorian Building Authority fee increases are an unjustified imposition on the building and construction sector that will add to the cost of housing.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Leane.*

- 14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

- 15 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.09 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 159 — Thursday, 26 May 2022

- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

- 2 **PAPERS** —

**GOVERNMENT RESPONSE — REVIEW OF THE CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) ACT 2017** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Response to the Review of the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RENEWABLE ENERGY IN VICTORIA** — Pursuant to Standing Order 23.29, Ms Terpstra presented a Report from the Environment and Planning Committee on the Inquiry into renewable energy in Victoria (including an Appendix, 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.

Ms Terpstra moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Children, Youth and Families Act 2005 — Review of the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*, May 2022, under section 492B(4) of the Act.

- 3 **SITTING OF THE COUNCIL** — Ms Stitt moved, That the Council, at its rising, adjourn until Tuesday, 7 June 2022.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.
- 6 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AMENDMENT 122** — Ms Stitt moved, That, pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment 122 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question — put and agreed to.

- 7 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Tierney were circulated.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Dr Ratnam were outside the scope of the Bill —*

Dr Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* to prohibit the sale of certain rodenticides.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 15

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Labelling of fur products** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Monday, 30 May 2022.
- **Cranbourne SES unit** — substantive question asked by Mr Rich-Phillips — response from Ms Symes due Friday, 27 May 2022.
- **Disclosure scheme for registered sex offenders** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 30 May 2022.

- **Emergency Management Victoria review of performance of the Emergency Services Telecommunications Authority** — substantive question asked by Mr Davis — response from Ms Symes due Friday, 27 May 2022.
- **Sunshine transport precinct funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Monday, 30 May 2022.
- **Commercial Passenger Vehicles Victoria – disciplinary action against taxi driver** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 30 May 2022.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

**10 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — Bill further considered in Committee of the whole.

Bill reported with an 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, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Dr Cumming; Mr Finn; Mr Meddick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with an amendment and requesting their agreement.

**11 VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Maxwell were circulated.

Question — put and 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 —*

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On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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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.

**12 PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — The President read a letter from Mr Bourman resigning from the Pandemic Declaration Accountability and Oversight Committee, effective from today.

- 13 APPROPRIATION (2022–2023) BILL 2022** — 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 ordinary annual services of the Government for the financial year 2022/2023 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Symes, 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 Davis), the debate was adjourned for one week.
- 14 APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022** — 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 2022/2023 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Symes, 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 Davis), the debate was adjourned for one week.
- 15 STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Borrowing and Investment Powers Act 1987, the Duties Act 2000, the Essential Services Commission Act 2001, the Land Tax Act 2005, the Payroll Tax Act 2007, the Taxation Administration Act 1997 and the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Symes, 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 Davis), the debate was adjourned for one week.
- 16 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.
- Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- And then the Council, at 7.00 p.m., adjourned until Tuesday, 7 June 2022.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 157, 158 and 159

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### AGRICULTURE LEGISLATION AMENDMENT BILL 2022

*Committed Thursday, 26 May 2022*

*Amendments circulated: Ms Bath (MB03C and MB06C) (p. 1205), Mr Meddick (AM26C, AM28C, AM31C and AM33C) (pp. 1205-7), Dr Ratnam (pp. 1207-8) and Ms Tierney (p. 1208)*

An amended set of amendments (*AM31C, in lieu of AM26C circulated on 24 May 2022*) proposed to be moved in Committee by Mr Meddick were circulated.

Amendments proposed to be moved in Committee by Ms Bath (*MB06C*) were circulated.

**Clause 1** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 28

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Ms Bath moved Amendment No. 1 (*MB03C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Meddick moved Amendment No. 1 (*AM31C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 26

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 188** — put and agreed to.

**Clause 189** — Question — That clause 189 stand part of the Bill — put and negatived.

**Clauses 190 to 195** — put and agreed to.

**Clause 196** — Mr Meddick moved Amendment No. 4 (AM31C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 196 — put and agreed to.

**Clauses 197 to 207** — put and agreed to.

**Bill reported with an amendment.**

\* \* \* \* \*

## **VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022**

*Committed Thursday, 26 May 2022*

*Amendments and suggested amendments circulated: Ms Maxwell (pp. 1208-9)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Maxwell moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 9** — put and agreed to.

**Clause 10** — Ms Maxwell moved Suggested Amendment Nos. 2 to 4.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 10 — no question put pursuant to Standing Order 14.15(2).

**Clauses 11 to 13** — put and agreed to.

**Clause 14** — no question put pursuant to Standing Order 14.15(2).

**Clause 15** — put and agreed to.

**Clause 16** — no question put pursuant to Standing Order 14.15(2).

**Clauses 17 to 47** — put and agreed to.

**Clause 48** — Ms Maxwell moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 48 — put and agreed to.

**Clauses 49 to 67** — put and agreed to.

**Clause 68** — no question put pursuant to Standing Order 14.15(2).

**Clauses 69 to 91** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. AGRICULTURE LEGISLATION AMENDMENT BILL 2022***Amendments circulated by Ms Bath (MB03C)*

1. Clause 1, page 3, lines 30 to 33, omit all words and expressions on these lines and insert—
  - "(j) to amend the **Wildlife Act 1975**—
    - (i) to clarify an exception for the offence against entering or remaining in a specified hunting area during certain times; and
    - (ii) to further provide for the offence against approaching a person who is hunting; and".

## NEW CLAUSE

2. Insert the following New Clause to follow clause 194—

**'194A Offence to approach a person who is hunting**

In section 58D of the **Wildlife Act 1975**, for "10 metres" **substitute** "30 metres".'.

*Amendment circulated by Ms Bath (MB06C)*

Clause 189, omit this clause.

*Amendments circulated by Mr Meddick (AM26C) – replaced by AM31C*

1. Clause 1, page 3, lines 30 to 33, omit all words and expressions on these lines and insert—
  - "(j) to amend the **Wildlife Act 1975**—
    - (i) to clarify an exception for the offence against entering or remaining in a specified hunting area during certain times; and
    - (ii) to provide for a further exception to the offence against entering or remaining in a specified hunting area during certain times; and
    - (iii) to provide for a further exception to the offence of approaching a person who is hunting; and".
2. Clause 194, lines 4 to 6, omit all words and expressions on these lines and insert—

'In section 58C(1A) of the **Wildlife Act 1975**—

  - (a) in paragraph (a)(i), for "game birds" **substitute** "game that is waterfowl"; and
  - (b) after paragraph (a) **insert**—

"(b) is undertaking the rescue of injured waterfowl; or".'.

## NEW CLAUSE

3. Insert the following New Clause to follow clause 194—

**"194A Offence to approach a person who is hunting**

After section 58D(b) of the **Wildlife Act 1975** **insert**—

"(ba) or is undertaking the rescue of injured waterfowl; or".
4. Clause 196, after line 24 insert—

"(ca) in the definition of **game**, paragraph (a)(iii) is **repealed**;"

Amendment circulated by Mr Meddick (AM28C)

Clause 189, omit this clause.

Amendments circulated by Mr Meddick (AM31C) – replacing AM26C

1. Clause 1, page 3, lines 30 to 33, omit all words and expressions on these lines and insert—
  - "(j) to amend the **Wildlife Act 1975**—
    - (i) to clarify an exception for the offence against entering or remaining in a specified hunting area during certain times; and
    - (ii) to provide for a further exception to the offence against entering or remaining in a specified hunting area during certain times; and
    - (iii) to provide for a further exception to the offence of approaching a person who is hunting; and".
  
2. Clause 194, lines 4 to 6, omit all words and expressions on these lines and insert—
 

'In section 58C(1A) of the **Wildlife Act 1975**—

  - (a) in paragraph (a)(i), for "game birds" **substitute** "game that is waterfowl"; and
  - (b) after paragraph (a) **insert**—
 

"(b) is undertaking the rescue of injured waterfowl; or".'.
 

NEW CLAUSE
  
3. Insert the following New Clause to follow clause 194—
 

**194A Offence to approach a person who is hunting**

After section 58D(b) of the **Wildlife Act 1975** insert—

"(ba) or is undertaking the rescue of injured waterfowl; or".'.
  
4. Clause 196, after line 24 insert—
 

"(ca) in the definition of **game**, paragraph (a)(iii) is **repealed**;"

Amendments circulated by Mr Meddick (AM33C)

1. Clause 1, insert the following subparagraphs to follow subparagraph (ii) inserted by Ms Bath's amendment 1—
  - "(iii) to provide for a further exception to the offence against entering or remaining in a specified hunting area during certain times; and
  - (iv) to provide for a further exception to the offence of approaching a person who is hunting; and".
  
2. Clause 194, lines 4 to 6, omit all words and expressions on these lines and insert—
 

'In section 58C(1A) of the **Wildlife Act 1975**—

  - (a) in paragraph (a)(i), for "game birds" **substitute** "game that is waterfowl"; and
  - (b) after paragraph (a) **insert**—

"(b) is undertaking the rescue of injured waterfowl; or".

NEW CLAUSE

3. Insert the following New Clause to follow clause 194—

**'194A Offence to approach a person who is hunting**

After section 58D(b) of the **Wildlife Act 1975** insert—

"(ba) or is undertaking the rescue of injured waterfowl; or".

4. Clause 196, after line 24 insert—

"(ca) in the definition of **game**, paragraph (a)(iii) is **repealed**;"

*Amendment circulated by Dr Ratnam (SR104C)*

1. Clause 1, page 2, line 1, after "powers" insert ", to prohibit the sale of certain rodenticides".
2. Clause 2, line 5, omit "subsection" and insert "subsections (1A) and".
3. Clause 2, after line 6 insert—
 

"(1A) Division 4 of Part 2 comes into operation on the first anniversary of the day on which this Act receives the Royal Assent."
4. Clause 2, line 7, after "Act" insert "(other than Division 4 of Part 2)".
5. Page 23, after line 14 insert the following heading—

**"Division 4—Prohibition on selling certain rodenticides".**

NEW CLAUSES

6. Insert the following New Clauses to follow clause 30 and the heading proposed by amendment number 5—

**'30A New section 27A inserted**

After section 27 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** insert—

**"27A Prohibition on sale of second generation rodenticides**

- (1) Except in accordance with the regulations (if any), a person must not sell a chemical product that contains any of the following active ingredients—
  - (a) brodifacoum;
  - (b) bromadiolone;
  - (c) difenacoum;
  - (d) difethialone;
  - (e) flocoumafen.

Penalty: In the case of a corporation, 200 penalty units.  
In any other case, 100 penalty units.

**Note**

Section 72B applies to an offence against this subsection.

- (2) Regulations for the purposes of this section may permit and regulate the sale of a chemical product referred to in subsection (1) in any circumstances and manner specified in the regulations."

**30B Criminal liability of officers of bodies corporate—failure to exercise due diligence**

After section 72B(2)(f) of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** insert—

"(fa) section 27A(1);".

**30C Regulations**

In section 76(2) of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, after "27" insert ", 27A".

*Amendment circulated by Ms Tierney (GT08C)*

Clause 189, omit this clause.

**2. VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022***Amendments and suggested amendments circulated by Ms Maxwell*

1. Clause 3, page 6, line 6, after "54(a)" insert ", (ab)".
2. **Suggested amendment to the Legislative Assembly—**  
Clause 10, line 13, after "plus" insert "any assistance paid for counselling services under subsection (5) and".
3. **Suggested amendment to the Legislative Assembly—**  
Clause 10, lines 21 to 23, omit paragraph (a).
4. **Suggested amendment to the Legislative Assembly—**  
Clause 10, page 15, after line 20 insert—  

"(5) In addition to any assistance paid under subsection (2) or (3), a primary victim is eligible for an amount of assistance for expenses actually incurred, or reasonably likely to be incurred, by the primary victim for reasonable counselling services."
5. **Suggested amendment to the Legislative Assembly—**  
Clause 14, line 3, after "amount" insert "plus any assistance paid for counselling services under subsection (5)".
6. **Suggested amendment to the Legislative Assembly—**  
Clause 14, lines 9 to 11, omit paragraph (a).
7. **Suggested amendment to the Legislative Assembly—**  
Clause 14, page 19, after line 3 insert—  

"(5) In addition to any assistance paid under subsection (2) or (3), a secondary victim is eligible for an amount of assistance for expenses actually incurred, or reasonably likely to be incurred, by the secondary victim for reasonable counselling services."
8. **Suggested amendment to the Legislative Assembly—**  
Clause 16, line 24, after "amount" insert "plus any assistance paid for counselling services under subsection (5)".
9. **Suggested amendment to the Legislative Assembly—**  
Clause 16, lines 30 to 32, omit paragraph (a).
10. **Suggested amendment to the Legislative Assembly—**  
Clause 16, page 20, after line 28 insert—  

"(5) In addition to any assistance paid under subsection (2) or (3), a related victim is eligible for an amount of assistance for expenses actually incurred, or reasonably likely to be incurred, by the related victim for reasonable counselling services."

11. Clause 48, page 44, after line 15 insert—
  - "(2A) At least one year before the expiry of the period in which a person may apply for variation, the scheme decision maker must make all reasonable efforts to give written notice to the person of the expiry date."
12. Clause 54, after line 31 insert—
  - "(ab) as many appropriately qualified case managers as are necessary for the effective operation of this Act; and"
13. Clause 74, lines 21 to 23, omit subclause (3).





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 160, 161 and 162

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#### No. 160 — Tuesday, 7 June 2022

- 1 The Deputy President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The Deputy President read a Message from the Governor informing the Council that she had, on 31 May 2022, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Justice Legislation Amendment Act 2022.*

The Deputy President read a Message from the Lieutenant-Governor informing the Council that he had, on 7 June 2022, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:

*Victims of Crime (Financial Assistance Scheme) Act 2022.*

- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The Deputy President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Barmah National Park – brumby culling** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Thursday, 9 June 2022.
- **Bulla bypass funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Thursday, 9 June 2022.
- **Women on remand – bail laws** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Thursday, 9 June 2022.
- **Conservation orders** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Thursday, 9 June 2022.
- **Electronic monitoring of family violence perpetrators** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Thursday, 9 June 2022.
- **WorkSafe scheme premium rate recommendations** — substantive and supplementary questions asked by Mr Davis — response from Ms Stitt due Thursday, 9 June 2022.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 5 **FIREARMS AMENDMENT BILL 2022** — Mr Bourman introduced *A Bill for an Act to amend the Firearms Act 1996 in relation to the Chief Commissioner's powers to categorise certain firearms and for other purposes.*

On the motion of Mr Bourman, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**6 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATING TIMELY REPORTING) BILL 2022** — Mr Davis introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to facilitate timely reporting by the IBAC.*

On the motion of Mr Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 8 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE CLOSURE OF THE HAZELWOOD AND YALLOURN POWER STATIONS** — Pursuant to Standing Order 23.29, Mr Erdogan presented a Report from the Economy and Infrastructure Committee on the Inquiry into the closure of the Hazelwood and Yallourn power stations (including Appendices, Extracts 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 Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**OMBUDSMAN — INVESTIGATION INTO ENVIRONMENT PROTECTION AUTHORITY DECISIONS ON WEST GATE TUNNEL PROJECT SPOIL DISPOSAL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 31 May 2022, the Clerk laid on the Table a copy of the Ombudsman's Report on their Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal, May 2022.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 28 March 2022 giving approval to the granting of a lease at Mordialloc – Mentone Beach Park.

National Parks Act 1975 — Minister's notice of consent of 29 May 2022, under section 40 of the Act, for Premium Limestone Victoria Pty Ltd to conduct operations within Tyers Park to search for stone under the *Mineral Resources (Sustainable Development) Act 1990*.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C62.

Banyule Planning Scheme — Amendment C168.

Baw Baw Planning Scheme — Amendment C143.

Boroondara Planning Scheme — Amendments C354 and C379.

Central Goldfields Planning Scheme — Amendment C37.

Frankston Planning Scheme — Amendment C138.

Glen Eira Planning Scheme — Amendments C214 (Part 1), C214 (Part 2), C241 and C242.

Golden Plains and Surf Coast Planning Schemes — Amendment GC183.

Greater Dandenong Planning Scheme — Amendment C220.

Hume Planning Scheme — Amendments C243 and C261.

Loddon Planning Scheme — Amendment C46.

Manningham Planning Scheme — Amendment C134.



- Maribyrnong Planning Scheme — Amendment C175.
- Melbourne Planning Scheme — Amendment C361.
- Mitchell and Whittlesea Planning Schemes — Amendment GC198.
- Monash Planning Scheme — Amendment C163 (Part 2).
- Moreland Planning Scheme — Amendment C220.
- Mornington Peninsula Planning Scheme — Amendments C262 (Part 2) and C267.
- Murrindindi Planning Scheme — Amendment C66.
- Nillumbik Planning Scheme — Amendment C140.
- Victoria Planning Provisions — Amendment VC220.
- Wangaratta Planning Scheme — Amendments C82 and C87.
- West Wimmera Planning Scheme — Amendment C35.
- Yarra Planning Scheme — Amendments C231 (Part 2) and C302.
- Yarra Ranges Planning Scheme — Amendment C196.
- Statutory Rules under the following Acts of Parliament —
  - Conservation, Forests and Lands Act 1987 — No. 36.
  - Magistrates' Court Act 1989 — No. 33.
  - Residential Tenancies Act 1997 — No. 35.
  - Road Safety Act 1986 — No. 38.
  - Service Victoria Act 2018 — No. 32.
  - Supreme Court Act 1986 — No. 34.
  - Victorian Energy Efficiency Target Act 2007 — No. 37.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 25, 29 and 32 to 36.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Declaration of Excluded Zones under section 3 of the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021.
    - Order to declare a class of entities as specified entities under the Financial Management Act 1994.
- Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 3 (*Gazette No. S258, 26 May 2022*).

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Assisted Reproductive Treatment Amendment Act 2021 — Sections 4(3), 5, 6, 30, 39, 55, 56 and 57 — 24 June 2022 (*Gazette No. S267, 31 May 2022*).
- Domestic Animals Amendment (Reuniting Pets and Other Matters) Act 2022 — Parts 1 and 3, other than section 37 — 1 June 2022 (*Gazette No. S271, 1 June 2022*).

**8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 8 June 2022 —

- (1) Order of the Day No. 14, second reading of the Meat Industry Amendment (Rabbit Farms) Bill 2021;
- (2) Order of the Day made this day by Mr Davis, second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022;
- (3) the notice of motion given this day by Mr Davis on the production of documents relating to InsightsVictoria;
- (4) the notice of motion given this day by Mr Davis on the production of documents relating to the Interdepartmental WorkSafe Steering Committee;
- (5) Notice of motion No. 729, standing in the name of Ms Maxwell on an inquiry into workplace behaviour in the Victorian Parliament;
- (6) Order of the Day No. 60, resumption of debate on a motion relating to Victorian Building Authority fee increases; and
- (7) the notice of motion given this day by Mr Davis on gas supply and prices.

Question — put and agreed to.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.
- 11 STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Ms Tierney, the debate was adjourned until later this day.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 13 APPROPRIATION (2022-2023) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*
- 
- On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.
- 
- Debate continued.  
On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.
- 14 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — The Deputy President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.
- 15 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.  
Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.  
And then the Council, at 7.58 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 161 — Wednesday, 8 June 2022

- 1** The Deputy President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 HEALTH LEGISLATION AMENDMENT (CONSCIENTIOUS OBJECTION) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend health legislation in relation to contraception, abortion, and voluntary assisted dying services provided by publicly funded denominational hospitals and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 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 Report on Managing Body-Worn Cameras, June 2022 (*Ordered to be published*).  
Conservation, Forests and Lands Act 1987 — Variation of the Code of Practice for Timber Production 2014 (No.1/2022).  
Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of the Variation of the Code of Practice for Timber Production 2014 (No.1/2022), of 6 June 2022, under the Conservation, Forests and Lands Act 1987.

**PROCLAMATION** — A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Circular Economy (Waste Reduction and Recycling) Act 2021 — Whole Act (other than Divisions 1 and 2 of Part 3, Part 6 and sections 61, 74, 199 and 208) — 1 July 2022 (*Gazette No. S285, 7 June 2022*).

**4 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Taylor moved, by leave, That Ms Watt be a participating member of the Standing Committee on Legal and Social Issues.  
Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 MEAT INDUSTRY AMENDMENT (RABBIT FARMS) BILL 2021** — Mr Meddick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Meddick moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**7 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATING TIMELY REPORTING) BILL 2022** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

**8 PRODUCTION OF DOCUMENTS — INSIGHTSVICTORIA** — Mr Davis moved, That this House —

- (1) notes that InsightsVictoria reports to the Premier's Private Office as the 'single source of truth', monitoring everything from social media sentiment to credit card transactions and beyond;
- (2) further notes that InsightsVictoria has been allocated \$4.4 million in the 2022-23 State Budget;
- (3) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution —
  - (a) a complete list of what the Premier and the Premier's Private Office has accessed via InsightsVictoria, including the —
    - (i) subject matters accessed;
    - (ii) dates of access;
    - (iii) geographical areas upon which reports have been accessed;
  - (b) all correspondence, including emails, to or from the Premier's Private Office that relate to InsightsVictoria; and
  - (c) an organisational chart of the management of InsightsVictoria.

Debate ensued.

Question — put and agreed to.

**9 PRODUCTION OF DOCUMENTS — INTERDEPARTMENTAL WORKSAFE STEERING COMMITTEE** — Mr Rich-Phillips (for Mr Davis) moved, That this House, in accordance with Standing Order 11.01, requires the Minister for Workplace Safety to table in the Council, within three weeks of the House agreeing to this resolution —

- (1) the minutes and agendas, including the titles of any attachments thereto, of the Interdepartmental WorkSafe Steering Committee;
- (2) a copy of the Finity report provided to the Interdepartmental WorkSafe Steering Committee; and
- (3) external advice and reports obtained by WorkSafe concerning its financial sustainability since 1 July 2018.

Debate ensued.

Question — put and agreed to.

**10 WORKPLACE BEHAVIOUR IN THE VICTORIAN PARLIAMENT** — Ms Maxwell moved, That this House —

- (1) acknowledges the unacceptable history of bullying and harassment in workplaces;
- (2) understands the important role the Victorian Parliament can play as an exemplar of best practice in the prevention and response to bullying, sexual harassment and sexual assault in workplaces;
- (3) recognises that the Victorian Parliament is a workplace for Members of Parliament, electorate officers, parliamentary advisers, ministerial staff, parliamentary officers and precinct employees and contractors;
- (4) directs the Presiding Officers to jointly write to the Victorian Equal Opportunity and Human Rights Commissioner requesting that the Commission inquire into and report to the Presiding Officers on —
  - (a) the adequacy of existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (b) improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (c) whether an independent complaints body should be established to provide a mechanism to manage and respond to complaints about bullying and harassment within the Victorian Parliament, in the context of a confidential and supportive environment;
- (5) requires the Commissioner to commence such an inquiry by consulting with the following employers affected by these terms of reference —
  - (a) Presiding Officers;
  - (b) Clerk of the Legislative Assembly;
  - (c) Clerk of the Legislative Council;
  - (d) Secretary of the Department of Parliamentary Services;
  - (e) Parliamentary Budget Officer;
  - (f) Executive Government;
  - (g) any other relevant employers identified by the Commissioner;
- (6) requires the Presiding Officers to table the report in both Houses of Parliament; and requests the agreement of the Legislative Assembly to the terms of this Resolution.

Debate ensued.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The Deputy President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Youth justice facility workplace safety** — substantive question asked by Dr Bach — response from Ms Stitt due Thursday, 9 June 2022.
- **Pandemic declarations** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Friday, 10 June 2022.
- **Lambing season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 10 June 2022.
- **Proposed WorkSafe premiums increase** — substantive question asked by Mr Davis — response from Ms Tierney due Thursday, 9 June 2022.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 WORKPLACE BEHAVIOUR IN THE VICTORIAN PARLIAMENT** — Debate continued on the question, That this House —

- (1) acknowledges the unacceptable history of bullying and harassment in workplaces;

- (2) understands the important role the Victorian Parliament can play as an exemplar of best practice in the prevention and response to bullying, sexual harassment and sexual assault in workplaces;
- (3) recognises that the Victorian Parliament is a workplace for Members of Parliament, electorate officers, parliamentary advisers, ministerial staff, parliamentary officers and precinct employees and contractors;
- (4) directs the Presiding Officers to jointly write to the Victorian Equal Opportunity and Human Rights Commissioner requesting that the Commission inquire into and report to the Presiding Officers on —
  - (a) the adequacy of existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (b) improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (c) whether an independent complaints body should be established to provide a mechanism to manage and respond to complaints about bullying and harassment within the Victorian Parliament, in the context of a confidential and supportive environment;
- (5) requires the Commissioner to commence such an inquiry by consulting with the following employers affected by these terms of reference —
  - (a) Presiding Officers;
  - (b) Clerk of the Legislative Assembly;
  - (c) Clerk of the Legislative Council;
  - (d) Secretary of the Department of Parliamentary Services;
  - (e) Parliamentary Budget Officer;
  - (f) Executive Government;
  - (g) any other relevant employers identified by the Commissioner;
- (6) requires the Presiding Officers to table the report in both Houses of Parliament; and requests the agreement of the Legislative Assembly to the terms of this Resolution.

Mr Gepp moved, as amendments, That —

1. In paragraph (4) **omit** the words “Presiding Officers to jointly” and **insert** “President to” in their place.
2. In paragraph (4) **omit** the words “to the Presiding Officers” and **insert** “to the President” in their place.
3. In paragraph (5) **omit** sub-paragraphs (a) to (g) and **insert** the following in their place:
  - “(a) President of the Legislative Council;
  - (b) Clerk of the Legislative Council;
  - (c) Secretary of the Department of Parliamentary Services;
  - (d) Parliamentary Budget Officer;
  - (e) Executive Government;
  - (f) any other relevant employers identified by the Commission; and”.
4. **Omit** all the words in paragraph (6) and **insert** the following in their place:
 

“(6) requires the President to table the report in the Legislative Council.”.

Debate ensued.

Question — That the amendments moved by Mr Gepp be agreed to.

The Council divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 8

Mr Atkinson; Dr Bach; Ms Crozier; Dr Cumming; Mr Davis; Ms Lovell; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the motion, amended as follows, be agreed to — That this House —

- (1) acknowledges the unacceptable history of bullying and harassment in workplaces;
- (2) understands the important role the Victorian Parliament can play as an exemplar of best practice in the prevention and response to bullying, sexual harassment and sexual assault in workplaces;
- (3) recognises that the Victorian Parliament is a workplace for Members of Parliament, electorate officers, parliamentary advisers, ministerial staff, parliamentary officers and precinct employees and contractors;
- (4) directs the President to write to the Victorian Equal Opportunity and Human Rights Commissioner requesting that the Commission inquire into and report to the President on —
  - (a) the adequacy of existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (b) improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to bullying and harassment in the Victorian Parliament;
  - (c) whether an independent complaints body should be established to provide a mechanism to manage and respond to complaints about bullying and harassment within the Victorian Parliament, in the context of a confidential and supportive environment;
- (5) requires the Commissioner to commence such an inquiry by consulting with the following employers affected by these terms of reference —
  - (a) President of the Legislative Council;
  - (b) Clerk of the Legislative Council;
  - (c) Secretary of the Department of Parliamentary Services;
  - (d) Parliamentary Budget Officer;
  - (e) Executive Government;
  - (f) any other relevant employers identified by the Commission; and
- (6) requires the President to table the report in the Legislative Council — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, General Business, Nos. 3 and 4, and Notices of Motion, General Business, Nos. 706 to 781, be postponed until later this day.

**15 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Grimley, the debate was adjourned until later this day.

**16 GAS SUPPLY AND PRICES** — Mr Ondarchie (for Mr Davis) moved, That this House notes the —

- (1) Victorian gas supply crisis;
- (2) upward pressure the gas supply crisis is putting on Victorian gas prices and its impact on Victorian households and businesses;

and calls on the Andrews Labor Government to act immediately to ensure adequate gas supply and manage the cost impacts on Victorian businesses and households.

Debate ensued.

Question — put and agreed to.

**17 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.

**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 Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.17 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 162 — Thursday, 9 June 2022

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — REJECT PROPOSED QUARRY IN BEVERIDGE** — Ms Patten presented a Petition bearing 1,320 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject the permit for the proposed quarry in the Beveridge North West precinct and introduce legislation to prevent development of quarries within the Urban Growth Boundary in Mitchell Shire.

Ordered to lie on the Table.

3 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT (X CLASSIFIED FILMS) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to legalise X classified films and modernise classification laws and for other purposes.*

On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS** —

**COMMUNITY PETITION ON SERVICES AND SUPPORT FOR SURVIVORS AND COMMUNITIES IMPACTED BY SYSTEMIC CHILD SEXUAL ABUSE** — Mr Grimley moved, by leave, That there be laid before this House a copy of the Community Petition on Services and support for survivors and communities impacted by systemic child sexual abuse.

Question — put and agreed to.

The Report was presented by Mr Grimley and ordered to lie on the Table.

\* \* \* \* \*

**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 Office — Annual Plan, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 39.

5 **SITTING OF THE COUNCIL** — Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 21 June 2022.

Question — put and agreed to.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

8 **STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022** — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Question — put and agreed to.

Bill read a second time 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.

- 9 APPROPRIATION (2022–2023) BILL 2022** — 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.

**DOMESTIC GAS RESERVES** — Ms Pulford having given answers to a question without notice and supplementary question relating to domestic gas reserves —

On the motion of Mr Davis, 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:

- **Duck shooting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Tuesday, 14 June 2022.
- **Road tolls on utility vehicles** — substantive and supplementary questions asked by Mr Barton — response from Ms Tierney due Tuesday, 14 June 2022.
- **CFA hazard reduction program** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Tuesday, 14 June 2022.
- **Taxes and charges on small business** — supplementary question asked by Mr Davis — response from Ms Pulford due Friday, 10 June 2022.
- **Community legal centres – funding** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Tuesday, 14 June 2022.
- **Domestic gas reserves** — substantive and supplementary questions asked by Mr Ondarchie — response from Ms Pulford due Friday, 10 June 2022.
- **Children in youth justice** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Tierney due Tuesday, 14 June 2022.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 12 APPROPRIATION (2022–2023) BILL 2022** — 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 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.

- 13 APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Davis 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 without amendment, the Report was adopted, and the Bill was read a third time and passed.



Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the Victorian Gambling and Casino Control Commission Act 2011 and other Acts in relation to casino regulation, to provide further for the Victorian Gambling and Casino Control Commission, to establish the Victorian Liquor Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 15 CHILD EMPLOYMENT AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Employment Act 2003 and the Education and Training Reform Act 2006 to make further provision in relation to the employment of children and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 16 SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to make the public display of Nazi symbols an offence and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 17 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.35 p.m., adjourned until Tuesday, 21 June 2022.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 160, 161 and 162

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### STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022

*Committed Thursday, 9 June 2022*

**Clause 1** — put and agreed to.

**Clause 2** — no question put pursuant to Standing Order 14.15(2).

**Clauses 3 to 7** — put and agreed to.

**Clauses 8 to 13** — no question put pursuant to Standing Order 14.15(2).

**Clause 14** — put and agreed to.

**Clause 15** — no question put pursuant to Standing Order 14.15(2).

**Clause 16** — put and agreed to.

**Clauses 17 to 30** — no question put pursuant to Standing Order 14.15(2).

**Clauses 31 to 33** — put and agreed to.

**Clause 34** — Question — That clause 34 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 9

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**Clause 35** — put and agreed to.

**Clause 36** — no question put pursuant to Standing Order 14.15(2).

**Clause 37** — put and agreed to.

**Bill reported without amendment.**

**APPROPRIATION (2022–2023) BILL 2022***Committed Thursday, 9 June 2022*

Mr Davis, moved by leave, That the proposed material be incorporated in Hansard, pursuant to Standing Order 12.17.

Question — put and agreed to.

The material was presented by Mr Davis and incorporated in Hansard.

**Clauses 1 to 9** — no question put pursuant to Standing Order 14.15(2).

**Schedules 1 and 2** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

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**APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022***Committed Thursday, 9 June 2022**Suggested Amendments circulated: Mr Davis (p. 1226)*

**Clauses 1 and 2** — no question put pursuant to Standing Order 14.15(2).

**Clause 3** — Mr Davis moved that clause 3 be postponed — put and agreed to.

**Clauses 4 to 7** — no question put pursuant to Standing Order 14.15(2).

**Schedule 1** — Mr Davis moved Suggested Amendment No. 2.

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Mr Davis moved Suggested Amendment No. 3.

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Elasmr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane;  
Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt;  
Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Schedule 1 — no question put pursuant to Standing Order 14.15(2)

**Postponed Clause 3** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022***Suggested Amendments circulated by Mr Davis*

1. **Suggested amendment to the Legislative Assembly—**  
Clause 3, line 12, omit "268 739 000" and insert "268 751 000".
2. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, line 17, omit "54 896" and insert "64 896".
3. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, line 18, omit "20 177" and insert "22 177".
4. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, line 19, omit "268 739" and insert "268 751".
5. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 12, line 8, omit "54 896" and insert "64 896".
6. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 12, line 12, omit "54 896" and insert "64 896".
7. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 13, line 7, omit "20 177" and insert "22 177".
8. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 13, line 11, omit "20 177" and insert "22 177".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 163, 164 and 165

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#### No. 163 — Tuesday, 21 June 2022

- 1 The President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —
  - On 15 June 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments —
    - Agriculture Legislation Amendment Act 2022*
    - State Taxation and Treasury Legislation Amendment Act 2022*
  - On 21 June 2022, given the Royal Assent to the following Acts presented to her by the Speaker —
    - Appropriation (2022-2023) Act 2022*
    - Appropriation (Parliament 2022-2023) Act 2022.*
- 3 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that he had received a letter from a Registered Officer of the Liberal Democratic Party that they have selected a person to fill the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick.

Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 22 June 2022 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Public housing in Western Metropolitan region** — substantive and supplementary questions asked by Dr Cumming — response from Ms Stitt due Thursday, 23 June 2022.
- **EPA oversight of West Gate Tunnel** — substantive and supplementary questions asked by Mr Finn — response from Ms Symes due Thursday, 23 June 2022.
- **Energy standards in rental properties** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Leane due Thursday, 23 June 2022.
- **Regulation of firearms licenses** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 23 June 2022.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 PLANNING AND ENVIRONMENT AMENDMENT (TRANSITION FROM GAS) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to prohibit the Victoria Planning Provisions and planning schemes requiring the distribution of gas to new dwellings and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 9 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Orders of 30 May 2022 giving approval to the granting of licences at —  
Lynch's Bridge Historical Precinct Reserve.

Queen Victoria Gardens and Memorial Statue Reserve.

Minister's Orders of 30 May 2022 giving approval to the granting of two leases at Lakeside Stadium Reserve.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Greater Dandenong Planning Scheme — Amendment C237.

Mornington Peninsula Planning Scheme — Amendment C291.

Towong Planning Scheme — Amendment C36.

Victoria Planning Provisions — Amendment VC216.

Whitehorse Planning Scheme — Amendment C240.

Yarra Planning Scheme — Amendments C304 and C305.

Rail Safety National Law Application Act 2013 — Rail Safety National Law National Regulations (Reporting Requirements) Amendment Regulations 2022, under section 12 of the Act.

Statutory Rules under the following Acts of Parliament —

Australian Consumer Law and Fair Trading Act 2012 — No. 42.

Dangerous Good Act 1985 — No. 41.

Education and Training Reform Act 2006 — No. 43.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 40.

Subordinate Legislation Act 1994 — No. 39.

Tobacco Act 1987 — No. 44.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 38, 40, 41 and 42.

Legislative instrument and related documents under section 16B in respect of Keno Technical Standard Version 3.3 of 16 May 2022, under section 10.1.5A of the Gambling Regulation Act 2003.

The University of Melbourne — Report, 2021.

**8 PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — The Clerk laid on the Table a letter from the Attorney-General, dated 14 June 2022, in response to the Resolution of the Council of 25 May 2022 (on the motion of Mr Davis), relating to correspondence between the Premier and Mr John Woodman, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.



- 9 BUSINESS OF THE COUNCIL** — Mr Finn moved, by leave, That precedence be given to the following General Business on Wednesday, 22 June 2022 —
- (1) Order of the Day No. 3, second reading of the Firearms Amendment Bill 2022;
  - (2) the notice of motion given this day by Mr Somyurek referring matters relating to Mr Somyurek's use of government resources to the Privileges Committee;
  - (3) the notice of motion given this day by Mr Finn on the Victorian education curriculum;
  - (4) Order of the Day No. 2, listed for a future day, resumption of debate on the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022;
  - (5) the notice of motion given this day by Mr Davis on the production of documents relating to moving from stamp duty to land tax;
  - (6) Order of the Day No. 59, resumption of debate on a motion relating to Victorian Building Authority fee increases;
  - (7) the notice of motion given this day by Mr Finn on autism; and
  - (8) the notice of motion given this day by Dr Cumming on Refugee Week.

Question — put and agreed to.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 11 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday 22 June 2022 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

- 13 SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 1

Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Symes 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, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 1

Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

**15 CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

On the motion of Ms Tierney, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Debate continued.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

**16 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 7.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 164 — Wednesday, 22 June 2022

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITION — BAN AERIAL AND GROUND SHOOTING OF BRUMBIES** — Mrs McArthur presented a Petition bearing 1,650 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ban aerial and ground shooting of brumbies and introduce legislation for Victorian national parks to compassionately manage brumby populations.

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 —

Kinship Care, June 2022 *(Ordered to be published)*.

Melbourne Metro Tunnel Phase 2: Main Works, June 2022 *(Ordered to be published)*.

Ombudsman — Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison, June 2022 *(Ordered to be published)*.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 44.

Legislative instrument and related documents under section 16B in respect of Dairy Food Safety Victoria Determination of Licence Classes and Fees for Dairy Businesses 1 July 2022 – 30 June 2023 of 6 June 2022, under the Dairy Act 2000.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 5 FIREARMS AMENDMENT BILL 2022** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Mr Bourman moved, That the Bill be now read a second time.  
On the motion of Ms Taylor, the debate was adjourned for two weeks.
- 6 PRIVILEGES COMMITTEE REFERENCE — MR SOMYUREK'S USE OF GOVERNMENT RESOURCES** — Mr Somyurek moved, That this House —
- (1) notes that —
    - (a) the Independent Broad-based Anti-corruption Commission's (IBAC) investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament, known as Operation Watts, commenced in 2020;
    - (b) IBAC, despite acknowledging at public hearings that the practice of branch stacking had been endemic in the Australian Labor Party (ALP) for generations across all the factions, and despite the Legislative Council resolving to request that their investigation be broadened to include all sections of the ALP, has only examined the Moderate Labor faction of the Victorian branch of the ALP during this investigation;
  - (2) further notes that —
    - (a) IBAC is an investigative body that does not have the power to impose sanctions;
    - (b) potential breaches of codes of conduct of Members of Parliament are matters that only the Parliament through the Privileges Committee can deal with;
    - (c) unless the Privileges Committee commences an inquiry immediately it will not have time to conduct an inquiry and report its findings to the House;
  - (3) requires the Privileges Committee to inquire into and report to the House, by no later than Thursday, 18 August 2022, on matters raised relating to the Hon Adem Somyurek MLC, at the IBAC Operation Watts public hearings regarding the use of government resources, including the use of electoral office and ministerial staff, and in undertaking this inquiry requires the Committee to —
    - (a) seek input from IBAC and examine any other matter raised at the IBAC Operation Watts public hearings that the Committee considers relevant;
    - (b) take evidence from all electorate officers and ministerial staff who have worked with Mr Somyurek from 2017;
    - (c) ensure that the investigation includes, but is not limited to, the following topics that IBAC showed interest in during their public hearings, being that Mr Somyurek —
      - (i) employed staff based on factional affiliation;
      - (ii) pressured Members of Parliament to employ activists aligned to his faction;
      - (iii) directed staff members to do factional work during office hours;
      - (iv) allowed staff members to do factional work during office hours;
      - (v) employed staff to full entitlement when, according to IBAC, his electorate office did not have sufficient work;
      - (vi) authorised activists to use electoral roll information from the Victorian Electoral Commission to check the accuracy of membership applicants to the party;
      - (vii) breached 'money for value' considerations in employing casual staff;
      - (viii) employed people of cultural backgrounds who IBAC appears to think are not capable of doing office work;
      - (ix) kept a database of members according to factional alignment and cultural identity;
      - (x) allowed staff to keep a database of members according to factional alignment and cultural identity; and
    - (d) conduct a transparent and public investigation.

Debate ensued.

Question — put and agreed to.

- 7 VICTORIAN EDUCATION CURRICULUM** — Mr Finn moved, That this House —
- (1) expresses its strong support for the protection of childhood innocence;
  - (2) deplores the sexualisation of primary school aged children by programmes within the Victorian education curriculum; and
  - (3) calls on the Minister for Education to replace programmes responsible for early sexualisation of prepubescent children with more age-appropriate human development programmes.

Debate ensued.

*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.

**SPC — RISING ENERGY COSTS** — Ms Pulford having given answers to a question without notice and supplementary question relating to SPC rising energy costs —

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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Mont Albert and Surrey Hills stations – level crossing removals** — substantive and supplementary questions asked by Mr Hayes — response from Ms Pulford due Friday, 24 June 2022.
- **Weed and pest control on public land** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Friday, 24 June 2022.
- **Royal Commission into Institutional Responses to Child Sexual Abuse** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Friday, 24 June 2022.
- **Public housing renewal program** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Friday, 24 June 2022.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 10 VICTORIAN EDUCATION CURRICULUM** — Debate continued on the question, That this House —

- (1) expresses its strong support for the protection of childhood innocence;
- (2) deplores the sexualisation of primary school aged children by programmes within the Victorian education curriculum; and
- (3) calls on the Minister for Education to replace programmes responsible for early sexualisation of prepubescent children with more age-appropriate human development programmes.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips; Mr Somyurek; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATING TIMELY REPORTING) BILL 2022** — 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.

Mr Davis 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, 16

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 789, and Order of the Day, General Business, No. 3, be postponed until later this day.

**13 AUTISM** — Mr Finn moved, That this House —

(1) recognises —

- (a) the vast and disparate needs of those on the autism spectrum and their families;
- (b) that autism is regarded by many on the spectrum as a gift to be celebrated, allowing creativity and intellectual prowess to blossom;
- (c) that families with a child on the spectrum often face particular challenges and difficulties and need assistance from government and private agencies;
- (d) that siblings of those on the spectrum often struggle under the burden of the circumstances created by their unique situation;

(2) applauds teachers, therapists, physicians, researchers, and many others working to enable those on the autism spectrum to achieve a standard of life that is self-satisfying, allowing them to reach their full potential; and

(3) further urges the Government to conduct a watching brief to ensure services for those on the spectrum and their families are maintained at the necessary level.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Taylor.*

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 165 — Thursday, 23 June 2022

- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 22 June 2022 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick to contest the federal election and that Mr Limbrick was chosen to return to the seat in the Legislative Council.
- 3 **NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr David Limbrick, having been introduced, approached the Table and took and subscribed the Affirmation required by law.
- 4 **PAPERS —**  
**MINISTERIAL RESPONSE TO THE INDEPENDENT REVIEW OF THE SERVICE VICTORIA ACT** — Ms Symes moved, by leave, That there be laid before this House a copy of the Ministerial Response to the Independent review of the *Service Victoria Act 2018* Final Report.  
 Question — put and agreed to.  
 The Report was presented by Ms Symes and ordered to lie on the Table.  

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
     Multicultural Victoria Act 2011 — Victorian Government report in multicultural affairs, 2020-21.  
     Service Victoria Act 2018 — Independent Review of the Service Victoria Act — Final Report, 31 May 2022, under section 57 of the Act.  
     Victorian Inspectorate — Annual Plan, 2022-23.
- 5 **SITTING OF THE COUNCIL** — Ms Stitt moved, That the Council, at its rising, adjourn until Tuesday, 2 August 2022.  
 Question — put and agreed to.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 8 **GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.  
 Amendments proposed to be moved in Committee by Dr Ratnam 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 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.
- 9 **CHILD EMPLOYMENT AMENDMENT BILL 2022** — 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.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Drug and alcohol rehabilitation funding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 27 June 2022.
- **Thornhill Park interchange** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Monday, 27 June 2022.
- **Greyhound racing deaths and injuries** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Monday, 27 June 2022.
- **Aerial culling monitoring** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Monday, 27 June 2022.
- **Taxi fare review** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Monday, 27 June 2022.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 CHILD EMPLOYMENT AMENDMENT BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam 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 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.

**13 CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022** — 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.

**14 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Social Services Regulation Act 2021, the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People Act 2012, the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021, the Magistrates' Court Act 1989, the Health Services Act 1988 and the Public Health and Wellbeing Act 2008, to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 15 EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005, the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021, the Education and Training Reform Act 2006, the Public Administration Act 2004, the Sex Offenders Registration Act 2004 and the Worker Screening Act 2020 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.
- 16 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 in relation to rates and charges, to make miscellaneous and technical amendments to the Local Government Act 2020, to make miscellaneous and technical amendments to the Essential Services Commission Act 2001, the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013, to amend the Domestic Animals Act 1994 in relation to reuniting pets with owners, and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 17 SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sustainable Forests (Timber) Act 2004 in relation to enforcement and other matters relating to timber harvesting operations and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Ms Bath), the debate was adjourned for one week.
- 18 TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for various matters in relation to the Treaty Authority, to amend the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Leane, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Leane 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 Leane, the second reading speech was incorporated into Hansard.
- Mr Leane moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.



**19 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.03 p.m., adjourned until Tuesday, 2 August 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 163, 164 and 165

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### SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022

*Committed Tuesday, 21 June 2022*

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**

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### INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATING TIMELY REPORTING) BILL 2022

*Committed Wednesday, 22 June 2022*

**Clauses 1 to 8** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022

*Committed Thursday, 23 June 2022*

*Amendments circulated: Dr Ratnam (p. 1241)*

**Clauses 1 to 4** — put and agreed to.

**New Clauses** — Dr Ratnam 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, 3

Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr Ondarchie; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 5 to 176** — put and agreed to.

**Bill reported without amendment.**

**CHILD EMPLOYMENT AMENDMENT BILL 2022***Committed Thursday, 23 June 2022**Amendments circulated: Dr Ratnam (pp. 1241-3)***Clauses 1 to 18** — put and agreed to.**Clause 19** — Dr Ratnam moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put and negatived.

Clause 19 — put and agreed to.

**Clauses 20 to 80** — put and agreed to.**Bill reported without amendment.**

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**CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022***Committed Thursday, 23 June 2022**Amendments circulated: Mr Ondarchie (p. 1243)***Clauses 1 to 8** — put and agreed to.**Clause 9** — Mr Ondarchie moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 63** — put and agreed to.**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022****Amendments circulated by Dr Ratnam**

1. Insert the following New Clauses after clause 4—

**'4A New section 62AAB inserted**

After section 62AA of the **Casino Control Act 1991** insert—

**"62AAB Bet limits for gaming machines**

On and after 1 July 2023, a bet limit of \$1 applies to a gaming machine available for gaming in the casino."

**4B Gaming machines in casinos**

In section 62A(4) of the **Casino Control Act 1991**, after "the casino" insert "until 30 June 2023".'

2. Insert the following New Clauses after clause 18—

**'18A Ministerial directions as to requirements for gaming machines**

On 1 July 2023, section 3.2.3(1)(d) of the **Gambling Regulation Act 2003** is repealed.

**18B New Division 3 of Part 2 of Chapter 3 inserted**

After Division 2 of Part 2 of Chapter 3 of the **Gambling Regulation Act 2003** insert—

**"Division 3—Bet limits for gaming machines****3.2.5A Bet limits for gaming machines**

On and after 1 July 2023, a bet limit of \$1 applies to a gaming machine available for gaming in an approved venue.".'

**2. CHILD EMPLOYMENT AMENDMENT BILL 2022****Amendments circulated by Dr Ratnam**

1. Clause 19, after line 1 insert—

'(1) For section 19A(1) of the Principal Act **substitute**—

"(1) The **Worker Screening Act 2020** extends and applies—

- (a) to the supervision of a child in employment that requires a permit under this Act as if that supervision were child-related work for the purposes of the **Worker Screening Act 2020**; and
- (b) except in relation to employment in entertainment, to any adult who performs work (other than the supervision of a child) in the same workplace as a child in employment that requires a permit under this Act as if the adult's work were child-related work for the purposes of the **Worker Screening Act 2020**."

(2) In section 19A(2) of the Principal Act—

- (a) for "subsection (1)" **substitute** "subsection (1)(a) or an adult referred to in subsection (1)(b)";
- (b) in paragraph (c)—

- (i) for "19A(1)" **substitute** "19A(1)(a)";
- (ii) after "**2003**" **insert** "or is an adult referred to in section 19A(1)(b) of that Act";
- (c) for paragraph (d) **substitute**—
  - '(d) section 78 applies as if the following subsection were substituted for section 78(3)—
    - "(3) For the purposes of Chapter 6—
      - (a) a person supervising a child referred to in section 19A(1)(a) of the **Child Employment Act 2003** who has been given an interim WWC exclusion under section 66 is not to be regarded as having a current WWC clearance in respect of that supervision; and
      - (b) an adult referred to in section 19A(1)(b) of the **Child Employment Act 2003** who has been given an interim WWC exclusion under section 66 is not to be regarded as having a current WWC clearance in respect of work in the same workplace as a child as referred to in section 19A(1)(b) of that Act.";
- (d) in paragraphs (h), (k) and (m)—
  - (i) for "19A(1)" **substitute** "19A(1)(a)";
  - (ii) after "**2003**" **insert** "or is an adult referred to in section 19A(1)(b) of that Act".'. .

2. Clause 19, line 2, before "At" insert "(3)".

3. Clause 19, line 8, after "employees" insert "or adults who perform work in the same workplaces as child employees".

4. Clause 19, line 9, after "employees" insert "or adults who perform work in the same workplaces as child employees".

5. Clause 20, after line 18 insert—

'(3) In section 19B of the Principal Act—

- (a) in subsection (1), for "19A(1)" **substitute** "19A(1)(a) or their work in a workplace referred to in section 19A(1)(b)";
- (b) for subsection (1)(a) **substitute**—
  - "(a) a person who supervises a child, or performs work in the same workplace as a child, who is closely related to the child;"
- (c) in subsection (1)(d), after "child" **insert** ", or work in the same workplace as a child,";
- (d) in subsections (3), (4) and (5)—
  - (i) after "employment" **insert** ", or performs work in the same workplace as a child,";
  - (ii) after "that supervision" **insert** "or work".'. .

6. Clause 42, line 25, omit 'community.'" and insert "community.".

7. Clause 42, after line 25 insert—

### '51B Annual reports

The Wage Inspectorate Victoria must include the following information in its report of operations under Part 7 of the **Financial Management Act 1994** for a financial year—

- (a) the number of children employed under permits in that year—

- (i) in entertainment; and
- (ii) other than in entertainment;
- (b) the number of audits conducted under section 51A(c) in that year—
  - (i) in entertainment; and
  - (ii) other than in entertainment;
- (c) the number of compliance notices issued under Division 1A in that year, and the results of those notices—
  - (i) in entertainment; and
  - (ii) other than in entertainment;
- (d) any information prescribed by the regulations.".'.

8. Clause 63, line 21, after "19A(1)" insert "(a) and (b)".

NEW CLAUSE

9. Insert the following New Clause to follow clause 74—

**'74A Annual reports**

In section 51B(a) of the Principal Act, for "permits" **substitute** "licences".'.

### **3. CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022**

#### Amendments circulated by Mr Ondarchie

1. Clause 9, page 7, lines 19 to 20, omit "may, by notice in writing," and insert "may".
2. Clause 9, page 8, lines 7 to 13, omit all words and expressions on those lines.







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 166, 167 and 168

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#### No. 166 — Tuesday, 2 August 2022

- 1 The President took the Chair at 11.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE MICHAEL CRAIG** — The President made a statement on the late Michael Craig, the Parliament of Victoria's Executive Chef, following his death on Wednesday, 29 June 2022.
- 3 **THE LATE HONOURABLE JANE GARRETT MLC** — The President made a statement on the late Honourable Jane Garrett MLC, following her death on Saturday, 2 July 2022.
- 4 **BUSINESS OF THE COUNCIL — ORDER OF BUSINESS** — Ms Symes moved, by leave, That this House acknowledges the passing of the Hon Jane Garrett MLC, and notes that as her family will be in attendance in the Legislative Council Chamber on Wednesday, 3 August 2022, the Standing and Sessional Orders be suspended to the extent necessary to allow the following Order of Business to occur today and tomorrow —
  1. **Today**
    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At 1.30 p.m.** Lunch break
    - At 2.00 p.m.** Questions
    - Constituency Questions (up to 15 Members)
    - Answers to questions on notice (non-Government Members may seek an explanation in relation to unanswered questions on notice, pursuant to Standing Order 8.13)
    - General Business (until 7.15 p.m.)
    - At 7.15 p.m.** Statements on reports, papers and petitions (30 minutes)
    - Government Business (maximum 60 minutes)
    - At 8.45 p.m.** Adjournment (up to 20 Members)
  2. **Wednesday**
    - A motion of condolence for the Honourable Jane Garrett MLC, pursuant to Standing Order 5.12.Question — put and agreed to.
- 5 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 28 June 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Casino and Liquor Legislation Amendment Act 2022*
  - Child Employment Amendment Act 2022*
  - Gambling and Liquor Legislation Amendment Act 2022*
  - Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022.*

**6 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from the Hon Lizzie Blandthorn, Member for Pascoe Vale, resigning from the Public Accounts and Estimates Committee, effective from 1 August 2022.

**7 PETITION — CHANGE UTE VEHICLE CLASSIFICATION FOR TOLL ROADS** — Mr Barton presented a Petition bearing 1,065 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to change the vehicle classification system so that all privately owned utes pay the same rates as passenger vehicles on toll roads.

Ordered to lie on the Table.

**8 INTEGRITY AND ANTI-CORRUPTION (HIGHER STANDARDS FOR LOBBYISTS, MINISTERS, AND MEMBERS OF PARLIAMENT) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to reform the standards for Ministers, Parliamentary Secretaries and Members of Parliament by establishing the Parliamentary Integrity Commissioner and making amendments to the Members of Parliament (Standards) Act 1978, the Independent Broad-based Anti-corruption Commission Act 2011 and the Parliamentary Committees Act 2003 and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**9 PLANNING AND ENVIRONMENT AMENDMENT (WAKE UP TO CLIMATE CHANGE) BILL 2022** — Mr Hayes introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to recognise and respond to the climate impacts resulting from planning and for other purposes.*

On the motion of Mr Hayes, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

**10 PAPERS —**

**FRANKSTON HOSPITAL REDEVELOPMENT PROJECT — PROJECT SUMMARY** — Ms Symes moved, by leave, That there be laid before this House a copy of the Frankston Hospital Redevelopment Project, Project Summary, June 2022.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

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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. 10 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK — INTERIM REPORT** — Pursuant to Standing Order 23.29, Ms Terpstra presented an Interim Report from the Environment and Planning Committee on the Inquiry into the protections within the Victorian Planning Framework (including an Appendix, Extracts of Proceedings and Minority Reports).

Ordered that the Report be published.

Ms Terpstra moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE — REVIEW OF THE PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDERS — REVIEW OF THE PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDERS** —

Pursuant to section 35(2) of the *Parliamentary Committees Act 2003*, and following the transmission of the reports on 22 July 2022, the Clerk laid on the Table a copy of the —

Pandemic Declaration Accountability and Oversight Committee's Report on their Review of the Pandemic (Visitors to Hospitals and Care Facilities) Orders; and

Pandemic Declaration Accountability and Oversight Committee's Report on their Review of the Pandemic (Quarantine, Isolation and Testing) Orders.

Mr Erdogan presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Reports be published.

Mr Erdogan moved, That the Council take note of the Reports.

Debate ensued.

Question — put and agreed to.

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**PARLIAMENTARY BUDGET OFFICE — OPERATIONAL PLAN 2022-23** — Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, and following the transmission of the report on 27 June 2022, the Clerk laid on the Table a copy of the Parliamentary Budget Office's Operational Plan 2022-23: Priorities and protocols, June 2022.

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**AUDITOR-GENERAL — RESPONSES TO PERFORMANCE ENGAGEMENT RECOMMENDATIONS: ANNUAL STATUS UPDATE** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 29 June 2022, the Clerk laid on the Table a copy of the Auditor-General's Report on Responses to Performance Engagement Recommendations: Annual Status Update, June 2022.

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**OMBUDSMAN — ANNUAL PLAN 2022-23** — Pursuant to section 25C(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 30 June 2022, the Clerk laid on the Table a copy of the Ombudsman's Annual Plan 2022-23.

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**YOORROOK JUSTICE COMMISSION — YOORROOK WITH PURPOSE — INTERIM REPORT** — Pursuant to section 37(3)(c) of the *Inquiries Act 2014*, and following the transmission of the report on 4 July 2022, the Clerk laid on the Table a copy of the Interim Report of the Yoorrook Justice Commission, June 2022.

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**OMBUDSMAN — INVESTIGATION INTO COMPLAINT HANDLING IN THE VICTORIAN SOCIAL HOUSING SECTOR** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 7 July 2022, the Clerk laid on the Table a copy of the Ombudsman's Report on their Investigation into complaint handling in the Victorian social housing sector, July 2022.

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**AUDITOR-GENERAL — RESULTS OF 2021 AUDITS: TECHNICAL AND FURTHER EDUCATION INSTITUTES** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 8 July 2022, the Clerk laid on the Table a copy of the Auditor-General's Report on the Results of 2021 Audits: Technical and Further Education Institutes, July 2022.

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**AUDITOR-GENERAL — RESULTS OF 2021 AUDITS: UNIVERSITIES** — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 8 July 2022, the Clerk laid on the Table a copy of the Auditor-General's Report on the Results of 2021 Audits: Universities, July 2022.

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**REPORT TO PARLIAMENT ON THE EXTENSION OF THE PANDEMIC DECLARATION** — Pursuant to section 165AG(5) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 15 July 2022, the Clerk laid on the Table a copy of the Report to Parliament on the extension of the pandemic declaration.

**IBAC — OMBUDSMAN — OPERATION WATTS** — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011* and section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 20 July 2022, the Clerk

laid on the Table a copy of the Independent Broad-based Anti-corruption Commission and Ombudsman's Joint Report on Operation Watts: Investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party-related activities, July 2022.

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**OMBUDSMAN — INVESTIGATION OF A MATTER REFERRED FROM THE LEGISLATIVE COUNCIL ON 9 FEBRUARY 2022 – PART 1** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 28 July 2022, the Clerk laid on the Table a copy of the Ombudsman's Report on their Investigation of a matter referred from the Legislative Council on 9 February 2022 – Part 1, July 2022.

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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:

Conservation, Forests and Lands Act 1987 —

Code of Practice for Bushfire Management on Public Land (2012) (amended 2022).

Variation of the Code of Practice for Bushfire Management on Public Land 2012 (No.1/2022).

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 July 2022 giving approval to the granting of a licence at Alexandra Park Reserve.

Order of 18 May 2022 giving approval to the granting of a licence at Yarra Valley Parklands.

Orders of 1 July 2022 giving approval to the granting of leases and licences at Albert Park.

Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 21 July 2022 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C190.

Boroondara Planning Scheme — Amendments C313, C337, C366 and C384.

Casey Planning Scheme — Amendments C273 and C290.

Colac Otway Planning Scheme — Amendment C118.

Corangamite and Macedon Ranges Planning Schemes — Amendment GC201.

Glen Eira Planning Scheme — Amendment C204.

Golden Plains Planning Scheme — Amendment C92.

Greater Dandenong Planning Scheme — Amendment C234.

Greater Geelong Planning Scheme — Amendment C417.

Kingston Planning Scheme — Amendments C200 and C201.

Mansfield Planning Scheme — Amendment C44.

Melbourne Planning Scheme — Amendments C380, C396, C407, C421, C429 and C430.

Melton Planning Scheme — Amendment C229.

Mildura Planning Scheme — Amendment C106.

Mornington Peninsula Planning Scheme — Amendments C269 and C275.

Moyne Planning Scheme — Amendment C76.

Nillumbik Planning Scheme — Amendments C118 and C138.

Port Phillip Planning Scheme — Amendment C205.

Stonnington Planning Scheme — Amendment C321.

Surf Coast Planning Scheme — Amendments C134 and C139.

Victoria Planning Provisions — Amendments VC213, VC217 and VC230.

Whitehorse Planning Scheme — Amendment C222.

Whittlesea Planning Scheme — Amendment C247.

Wyndham Planning Scheme — Amendment C261.

Yarra Planning Scheme — Amendments C263 and C300.

Yarra Ranges Planning Scheme — Amendments C200 and C209.

Statutory Rules under the following Acts of Parliament —

- Borrowing and Investment Powers Act 1987 — No. 52.  
 Building Act 1993 — No. 50.  
 Criminal Procedure Act 2009 — No. 57.  
 Electricity Industry Act 2000 — No. 55.  
 Firearms Act 1996 — No. 58.  
 Gas Industry Act 2001 — No. 56.  
 Magistrates' Court Act 1989 — No. 54.  
 Mental Health Act 2014 — No. 46.  
 Occupational Health and Safety Act 2004 — No. 53.  
 Road Safety Act 1986 — Nos. 47 and 51.  
 Spent Convictions Act 2021 — No. 49.  
 Subordinate Legislation Act 1994 — No. 45.  
 Water Act 1989 — No. 48.
- Subordinate Legislation Act 1994 —  
 Documents under section 15 in relation to —  
 Order approving the Communicating occupational health and safety across languages compliance code, under the Occupational Health and Safety Act 2004.  
 Rail Safety National Law National Regulations (Fees and FOI) Amendment Regulations 2022, under section 12 of the Rail Safety National Law Application Act 2013.  
 Statutory Rule Nos. 43, 45 to 47, 50, 51, 53 and 54.
- Legislative Instruments and related documents under section 16B in respect of —  
 Determination of Gaming Machine Entitlement Allocation and Transfer Rules, of 7 July 2022, under the Gambling Regulation Act 2003.  
 Ministerial Direction, of 6 July 2022, under section 4.8A.2 of the Gaming Regulation Act 2003.  
 Ministerial Order No. 1387 — Order Amending Ministerial Orders 1038 and 1039 — School Council Employees and Teaching Service (Vaccination Requirements for Specialist School Facilities), of 20 July 2022 under the Education and Training Reform Act 2006.  
 Notice of Declaration of a Discount Factor, of 24 June 2022, under the Victorian Energy Efficiency Target Act 2007.  
 Notice of Guidelines for Assessing Fitness to Drive, of 21 June 2022, under the Road Safety Act 1986.  
 Order for Amendment of the Trading Rules for Declared Water Systems (Revised Limit on Allocation Trade from Goulburn or Broken or Campaspe or Loddon, to Murray or Interstate – 12F4), of 25 June 2022, under the Water Act 1989.  
 Order in Council Declaring Certain Motor Vehicles Not to Be Motor Vehicles, of 30 June 2022, under the Road Safety Act 1986.
- Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Members of Parliament (Victoria) Annual Adjustment Determination 2022, under section 26 of the Act.
- Victorian Inspectorate — Reports on controlled operations records and reports, 2020-21 for —  
 Department of Environment, Land, Water and Planning, under section 74P of the Wildlife Act 1975.  
 Game Management Authority, under section 74P of the Wildlife Act 1975.  
 Independent Broad-based Anti-corruption Commission, under section 39 of the Crimes (Controlled Operations) Act 2004.  
 Victorian Fisheries Authority, under section 131T of the Fisheries Act 1995.  
 Victoria Police, under section 39 of the Crimes (Controlled Operations) Act 2004.
- Wrongs Act 1958 — Notice of scale of fees and costs for referrals of medical questions to medical panels under Part VBA (*Gazette No. S327, 29 June 2022*).

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Alpine Resorts Legislation Amendment Act 2022 — Whole Act — 1 October 2022 (*Gazette No. S371, 26 July 2022*).

Justice Legislation Amendment Act 2022 — Section 7 — 19 July 2022 (*Gazette No. S365, 19 July 2022*).

\* \* \* \* \*

Proclamations of the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Casino and Liquor Legislation Amendment Act 2022 — Whole Act (other than sections 8 and 18) — 1 July 2022, Section 18 — 25 August 2022 and Section 8 — 1 October 2022 (*Gazette No. S336, 30 June 2022*).

Justice Legislation Amendment (Fines Reform and Other Matters) Act 2022 — Division 2 of Part 2 (other than sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 37A, 38, 39, 40, 41 and 42), section 74 and section 82 — 18 July 2022 (*Gazette No. S346, 5 July 2022*).

Legal Profession Uniform Law Application Amendment Act 2019 — Remaining Provisions — 1 July 2022 (*Gazette No. S336, 30 June 2022*).

Road Safety Legislation Amendment Act 2022 — Parts 1, 3 and 4 and sections 18 and 19 — 6 July 2022 (*Gazette No. S346, 5 July 2022*).

- 11 JOINT COMMITTEE MEMBERSHIP** — The President read a letter from Ms Shing resigning from the Integrity and Oversight Committee, and the Pandemic Declaration Accountability and Oversight Committee, effective from 2 August 2022.
- 12 PRODUCTION OF DOCUMENTS — INSIGHTSVICTORIA** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 July 2022, in response to the Resolution of the Council of 8 June 2022 (on the motion of Mr Davis), relating to InsightsVictoria, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.
- 13 PRODUCTION OF DOCUMENTS — INTERDEPARTMENTAL WORKSAFE STEERING COMMITTEE** — The Clerk laid on the Table a letter from the Attorney-General, dated 5 July 2022, in response to the Resolution of the Council of 8 June 2022 (on the motion of Mr Davis), relating to the Interdepartmental WorkSafe Steering Committee, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.
- 14 BUSINESS OF THE COUNCIL** — Mr Meddick moved, by leave, That precedence be given to the following General Business today —
- (1) Order of the Day made this day, second reading of the Planning and Environment Amendment (Wake Up to Climate Change) Bill 2022;
  - (2) Order of the Day No. 5, second reading of the Health Legislation Amendment (Conscientious Objection) Bill 2022;
  - (3) the notice of motion given this day by Mr Davis on the Operation Watts Report and the Australian Labor Party repaying taxpayers' money;
  - (4) Notice of Motion No. 796, standing in Mrs McArthur's name on brumby culling;
  - (5) Order of the Day No. 57, resumption of debate on a motion relating to Victorian Building Authority fee increases;
  - (6) the notice of motion given this day by Mr Limbrick on removing vaccine mandates for parliamentary staff and Electorate Officers;
  - (7) the notice of motion given this day by Mr Limbrick on the Victorian Energy Efficiency Target scheme;
  - (8) the notice of motion given this day by Mr Meddick on vet shortages; and
  - (9) Notice of Motion No. 786, standing in Mr Meddick's name on trench rescue equipment.

Question — put and agreed to.

- 15 COMMITTEE MEMBERSHIPS** — Ms Symes moved, by leave, That —
- (1) Mr Erdogan be discharged from the Standing Committee on Economy and Infrastructure;
  - (2) Ms Shing be discharged from the Standing Committee on Legal and Social Issues;
  - (3) Dr Kieu be a member of the Standing Committee on Economy and Infrastructure; and
  - (4) Mr Erdogan be a member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

**16 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**17 PLANNING AND ENVIRONMENT AMENDMENT (WAKE UP TO CLIMATE CHANGE) BILL 2022** — Mr Hayes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Hayes moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for two weeks.

**18 HEALTH LEGISLATION AMENDMENT (CONSCIENTIOUS OBJECTION) BILL 2022** — 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 Mr Tarlamis, the debate was adjourned for two weeks.

**19 OPERATION WATTS REPORT — REPAYING TAXPAYERS' MONEY** — Mr Davis moved, That this House notes that the —

- (1) Independent Broad-based Anti-corruption Commission's (IBAC) and Ombudsman's joint report, *Operation Watts*, was tabled on 20 July 2022;
- (2) Ombudsman's report, *Investigation of a matter referred from the Legislative Council on 25 November 2015*, tabled on 21 March 2018 and known as the Red Shirts report, drew attention to the theft by the Australian Labor Party (ALP) of \$388,000 of taxpayers' money and that —
  - (a) the Premier, the Hon Daniel Andrews MP, ordered the stolen money to be voluntarily repaid;
  - (b) despite no recommendation that the money be repaid, the Premier advised Parliament on 27 March 2018 that the ALP had repaid the full amount;
- (3) Operation Watts report shows \$1,348,750 of taxpayers' money was misappropriated by the ALP, which was only a share of what was likely misappropriated, identifying —
  - (a) over \$110,000 paid to a factionally appointed political staffer;
  - (b) up to \$14,000 of stamp purchases misused for political purposes;
  - (c) almost \$30,000 paid to a political staffer who sent only one work email during his entire employment period;
  - (d) over \$1 million in grants awarded by former Minister, the Hon Robin Scott MP, to Labor linked community organisations;
  - (e) \$194,750 in grants awarded by former Minister, the Hon Marlene Kairouz MP, to Labor linked community organisations;
- (4) Premier has intransigently refused to repay the \$1,348,750 of taxpayers' money misappropriated by the ALP;

and calls on the Premier and the ALP to immediately repay the \$1,348,750 identified by IBAC and the Ombudsman.

*Business having been interrupted at 2.00 p.m. pursuant to Order of the Council earlier this day —*

**20 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**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:

- **Firearms licensing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 4 August 2022.

**21 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**22 OPERATION WATTS REPORT — REPAYING TAXPAYERS' MONEY** — Debate continued on the question, That this House notes that the —

- (1) Independent Broad-based Anti-corruption Commission's (IBAC) and Ombudsman's joint report, *Operation Watts*, was tabled on 20 July 2022;
- (2) Ombudsman's report, *Investigation of a matter referred from the Legislative Council on 25 November 2015*, tabled on 21 March 2018 and known as the Red Shirts report, drew attention to the theft by the Australian Labor Party (ALP) of \$388,000 of taxpayers' money and that —
  - (a) the Premier, the Hon Daniel Andrews MP, ordered the stolen money to be voluntarily repaid;
  - (b) despite no recommendation that the money be repaid, the Premier advised Parliament on 27 March 2018 that the ALP had repaid the full amount;
- (3) Operation Watts report shows \$1,348,750 of taxpayers' money was misappropriated by the ALP, which was only a share of what was likely misappropriated, identifying —
  - (a) over \$110,000 paid to a factionally appointed political staffer;
  - (b) up to \$14,000 of stamp purchases misused for political purposes;
  - (c) almost \$30,000 paid to a political staffer who sent only one work email during his entire employment period;
  - (d) over \$1 million in grants awarded by former Minister, the Hon Robin Scott MP, to Labor linked community organisations;
  - (e) \$194,750 in grants awarded by former Minister, the Hon Marlene Kairouz MP, to Labor linked community organisations;
- (4) Premier has intransigently refused to repay the \$1,348,750 of taxpayers' money misappropriated by the ALP;

and calls on the Premier and the ALP to immediately repay the \$1,348,750 identified by IBAC and the Ombudsman.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**23 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 796, and Order of the Day, General Business, No. 57, be postponed until later this day.

**24 REMOVAL OF VACCINE MANDATES FOR PARLIAMENTARY STAFF AND ELECTORATE OFFICERS** — Mr Limbrick moved, That this House —

- (1) notes that —
  - (a) a resolution of the Council on 14 October 2021 determined that Members of the Legislative Council were required to provide proof of their COVID-19 vaccination to attend Parliament and perform their duties as elected representatives;
  - (b) this resolution resulted in four Legislative Council Members being temporarily excluded from the parliamentary precinct and prevented from voting in the Chamber;
- (2) calls on all Members of the Victorian Parliament and political parties registered with the Victorian Electoral Commission to confirm that they will support the right of all people elected at the 2022 Victorian state election to sit in the Parliament and perform their duties as elected representatives, regardless of vaccination status;



- (3) further calls for the immediate removal of COVID-19 vaccine mandates for parliamentary staff and Electorate Officers; and
- (4) instructs the Clerk to destroy all existing vaccination records collected under paragraph (8) of the resolution of the Council on 14 October 2021.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**25 VICTORIAN ENERGY EFFICIENCY TARGET SCHEME** — Mr Limbrick moved, That this House —

(1) notes that —

- (a) the Victorian Energy Upgrades Program (the program), previously the Victorian Energy Efficiency Target (VEET) scheme, has set a target of 6.7 million tonnes of carbon dioxide (CO<sub>2</sub>) equivalent in 2022, increasing to 7.3 million tonnes in 2025;
- (b) the Government and the Victorian Liberal Party have committed to a 50 per cent reduction in CO<sub>2</sub> emissions below 2005 levels of 128 million tonnes by 2030;
- (c) the 28 million tonnes of energy efficiency certificates that energy retailers will be required to purchase between 2022 and 2025 make up a significant component of Victoria's strategy for emissions reduction;
- (d) recent issues with the program, such as the refrigerated cabinets being dumped outside businesses earlier this year and the two businesses that were referred to Victoria Police in early 2021, demonstrate that we cannot be certain that claimed carbon emission reductions have actually occurred;

(2) supports the Auditor-General examining —

- (a) whether the carbon savings accounted for via the program actually reflect real carbon emission reductions;
- (b) if the methodology used for calculating carbon emission reductions is appropriate and was applied uniformly;
- (c) whether the program is robust enough to withstand a significant increase in usage, as will be required by higher carbon emission reduction targets; and
- (d) any other related matters.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

**26 VET SHORTAGES** — Mr Meddick moved, That this House —

(1) notes that —

- (a) there is a vet shortage across Victoria, creating an animal welfare crisis;
- (b) the closure of vet clinics and after-hours care is adversely impacting regional areas;
- (c) injured wildlife is being left to suffer as care is voluntarily provided by vet clinics and must be managed between paying clients;
- (d) rising veterinary care fees are also creating an accessibility barrier, particularly for animal rescue groups, pensioners and Health Care Card holders;
- (e) the Andrews Government has taken the positive step of adding the Certificate IV in Veterinary Nursing to the Free TAFE course list from the beginning of 2022;

(2) calls on the Government to —

- (a) establish a stronger framework for the wellbeing of companion animals and wildlife;
- (b) open publicly funded vet clinics across Victoria;
- (c) create incentives for vets to join the industry through study opportunities and from overseas;
- (d) upskill veterinary nurses into nurse practitioners who can undertake minor surgeries and surgery preparation to relieve the burden on vets; and
- (e) establish specialty wildlife hospitals to close the knowledge gap on native animal care and to ensure wildlife receive treatment in a timely manner.

Debate ensued.

Question — put and agreed to.

**27 TRENCH RESCUE EQUIPMENT** — Mr Meddick moved, That this House —

- (1) recognises —
  - (a) trenches and confined spaces are a unique and highly dangerous work environment;
  - (b) trenches and confined spaces have been responsible for injury and death due to collapse, atmospheric poisoning and suffocation;
  - (c) that Fire Rescue Victoria (FRV) in the Western and North Western regions of Victoria do not possess the correct equipment to conduct timely and safe rescues in both trench collapse and confined space emergencies, putting both workers and first responders at risk;
  - (d) that without the correct equipment, emergency services workers and first responders are forced to make potentially dangerous decisions while waiting for rescue equipment from Warrnambool, Wangaratta or Richmond;
  - (e) that the population growth in regional Victoria is increasing along with the risks and potential need for technical rescues to be conducted;
- (2) calls on the Government to —
  - (a) immediately identify strategically placed regional cities and towns, such as Ballarat, to equip FRV and other emergency responders with trench and confined space rescue equipment;
  - (b) establish, as a criteria, that emergency services are strategically spaced to ensure that the responders are able to attend with trench and confined space rescue equipment within a minimum of fifteen minutes and a maximum of thirty minutes;
  - (c) provide the necessary resources to allow FRV first responders to undertake critical skills maintenance training; and
  - (d) do this as a matter of urgency.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

*Business having been interrupted at 7.15 p.m. pursuant to an Order of the Council earlier this day —*

**28 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**29 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.16 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 167 — Wednesday, 3 August 2022

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE JANE GARRETT MLC** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 2 July 2022, of the Honourable Jane Garrett MLC, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electorate of Brunswick from 2010 to 2018, Member of the Legislative Council for the Eastern Victoria Region from 2018 to 2022 and as Minister for Emergency Services and Minister for Consumer Affairs, Gaming and Liquor Regulation from 2014 to 2016.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **ADJOURNMENT** — As a further mark of respect to the memory of the late Hon Jane Garrett MLC, the House, at 11.16 a.m., suspended for the remainder of the sitting, and therefore adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 168 — Thursday, 4 August 2022

- 1 The President took the Chair at 10.03 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **MULTICULTURAL VICTORIA AMENDMENT (INDEPENDENCE) BILL 2022** — Mr Davis introduced *A Bill for an Act to amend the Multicultural Victoria Act 2011 to enhance the independence of the Victorian Multicultural Commission and for other purposes*.  
On the motion of Mr Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Mr Davis moved, That the Bill be now read a second time.  
On the motion of Mr Tarlamis, the debate was adjourned for two weeks.
- 3 **PAPERS** —  
**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO CHILDREN AFFECTED BY PARENTAL INCARCERATION** — Pursuant to Standing Order 23.29, Ms Patten laid on the Table a Report from the Legal and Social Issues Committee on the Inquiry into children affected by parental incarceration (including Appendices), and further presented Transcripts of Evidence. Ordered that the Transcripts of Evidence lie on the Table and the Report be published.  
Ms Patten moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.  
  
\* \* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Melbourne Cricket Ground Trust — Report, year ended 31 March 2022.  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 58 and 60.
- 4 **SITTING OF THE COUNCIL** — Ms Stitt moved, That the Council, at its rising, adjourn until Tuesday, 16 August 2022.  
Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**7 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time. Amendments proposed to be moved in Committee by Dr Ratnam (three 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.

**ASHTON REVIEW RECOMMENDATIONS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — Ms Symes having given answers to a question without notice and supplementary question relating to the Ashton Review recommendations and the Emergency Services Telecommunications Authority —

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:

- **Yarraville and Spotswood level crossing removals** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Monday, 8 August 2022.
- **Lost Dogs Home relocation** — substantive and supplementary questions asked by Mr Finn — response from Ms Tierney due Friday, 5 August 2022.
- **Corella management** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Monday, 8 August 2022.
- **Police seizure of ammunition** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 8 August 2022.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**10 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments (sets SR111C and SR112C) proposed to be moved in Committee by Dr Ratnam were outside the scope of the Bill —*

Dr Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to —

- (a) amend the *Local Government Act 2020* to prohibit donations from property developers and gambling industry business entities to candidates and Councillors; and
- (b) amend the *Local Government Act 2020* and the *City of Melbourne Act 2001* to enable a person who has attained 16 years of age to enrol on the voter's roll and the *Electoral Act 2002* to enable a person who has attained 16 years of age to provisionally enrol on the register of electors.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**11 SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES)**

**BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Bath were circulated.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Mr Tarlamis, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 5

Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Shing 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, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 5

Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 12 VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Energy Efficiency Target Act 2007 and the Essential Services Commission Act 2001 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Stitt (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.
- Ms Stitt moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 13 CRIMES LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create a new offence of engaging in grossly offensive public conduct and to abolish the common law offence of outraging public decency, to amend the Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021 to extend its default commencement date and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Stitt (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.
- Ms Stitt moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 14 BUILDING, PLANNING AND HERITAGE LEGISLATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993, the Architects Act 1991, the Heritage Act 2017, the Planning and Environment Act 1987, the Surveying Act 2004, the Domestic Building Contracts Act 1995, the Building and Construction Industry Security of Payment Act 2002, the Victorian Civil and Administrative Tribunal Act 1998, the Sale of Land Act 1962, the Owners Corporations Act 2006, the Cladding Safety Victoria Act 2020 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Stitt (for Ms Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.
- Ms Stitt moved, That the Bill be now read a second time.
- On the motion of Mr Rich-Phillips, the debate was adjourned for one week.
- 15 MENTAL HEALTH AND WELLBEING BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to re-enact, with amendments, the law relating to the treatment of persons living with mental illness or experiencing psychological distress, to repeal the Mental Health Act 2014 and the Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

**16 ADJOURNMENT** — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 9.00 p.m., adjourned until Tuesday, 16 August 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 166, 167 and 168

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### LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022

*Committed Thursday, 4 August 2022*

*Amendments circulated: Dr Ratnam (SR111C, SR112C and SR113C) (pp. 1264-70)*

**Clause 1** — Dr Ratnam moved Amendment Nos. 1 and 2 (SR112C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 18** — put and agreed to.

**New Heading to follow clause 18** — Dr Ratnam moved Amendment No. 1 (SR113C).

Question — That the New Heading stand part of the Bill.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 30

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**Clauses 19 to 41** — put and agreed to.

**New Heading to follow clause 41** — Dr Ratnam moved Amendment No. 1 (SR111C).

Question — That the New Heading stand part of the Bill.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.  
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 27

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negated.

**Clauses 42 to 48** — put and agreed to.

**Bill reported without amendment.**

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**SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022**

*Committed Thursday, 4 August 2022*

*Amendments circulated: Ms Bath (p. 1270)*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Ms Bath moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negated.

Clause 6 — put and agreed to.

**Clauses 7 to 12** — put and agreed to.

**Clause 13** — Ms Bath moved Amendment Nos. 5 to 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 20

Mr Elasmr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick;  
Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing;  
Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 26** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022

#### Amendments circulated by Dr Ratnam (SR111C)

1. Page 22, after line 16 insert the following heading—

**"Division 4—Gifts from prohibited donors".**

NEW CLAUSES

2. Insert the following New Clauses to follow clause 41 and the heading proposed by amendment number 1—

**'41A Definitions**

In section 3(1) of the **Local Government Act 2020** insert the following definitions—

**"gambling industry business entity** has the meaning given by section 305C;

**prohibited donor** has the meaning given by section 305A;

**property developer** has the meaning given by section 305B;".

**41B New sections 305A, 305B and 305C inserted**

Before section 306 of the **Local Government Act 2020** insert—

**"305A Meaning of *prohibited donor***

For the purposes of this Division, ***prohibited donor*** means—

- (a) a property developer; or
- (b) a gambling industry business entity—

and includes any industry representative organisation if the majority of its members are prohibited donors and does not include a person or entity in respect of whom a determination under section 309C is in effect.

**305B Meaning of *property developer***

- (1) For the purposes of this Division, ***property developer*** means—

- (a) a natural person or a corporation if—
  - (i) the natural person or corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
  - (ii) in the course of the business—
    - (A) one relevant planning application has been made by or on behalf of the natural person or corporation and is pending; or
    - (B) 3 or more relevant planning applications made by or on behalf of the natural person or corporation have been determined within the preceding 7 years; or
- (b) a person who is a close associate of a natural person or a close associate of a corporation referred to in paragraph (a).

- (2) Any activity engaged in by a natural person or corporation for the dominant purpose of providing commercial premises at which the natural person or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the natural person or

corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.

(3) In this section and section 305C—

**close associate of a corporation** means each of the following—

- (a) a director or officer of the corporation or the spouse of such a director or officer;
- (b) a related body corporate of the corporation;
- (c) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person;
- (d) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security, the other stapled entity in relation to that stapled security;
- (e) if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
- (f) in relation to a corporation that is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

**close associate of a natural person** means each of the following—

- (a) the spouse of person;
- (b) in relation to a natural person who is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

**officer** has the same meaning as it has in the Corporations Act;

**related body corporate** has the same meaning as it has in the Corporations Act;

**relevant planning application** means any of the following—

- (a) a request to a planning authority to make or amend a planning scheme under the **Planning and Environment Act 1987**;
- (b) a request to a responsible authority for a permit or an amendment to a permit under the **Planning and Environment Act 1987**;
- (c) an application or request that is prescribed by the regulations to be a relevant planning application;

**stapled entity** means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

**voting power** has the same meaning as in the Corporations Act.

### **305C Meaning of gambling industry business entity**

For the purpose of this Division, **gambling industry business entity** means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose) but only if it is for the ultimate purpose of making a profit; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a)."

#### **41C Certain gifts not to be accepted**

In section 309(1) of the **Local Government Act 2020**, for "It" substitute "Subject to section 309A, it".

#### **41D New sections 309A, 309B, 309C, 309D and 309E inserted**

After section 309 of the **Local Government Act 2020** insert—

##### **"309A Gifts from prohibited donors unlawful**

- (1) It is unlawful for a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (2) It is unlawful for a person to make a gift on behalf of a prohibited donor—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (3) It is unlawful for a candidate or a person acting on behalf of a candidate to accept a gift during the donation period that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (4) It is unlawful for a Councillor or a person acting on behalf of a Councillor to accept a gift that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (5) It is unlawful for a prohibited donor to solicit another person to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (6) It is unlawful for a person to solicit another person on behalf of a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (7) In this section—

**gift** means a gift the amount or value of which is equal to or exceeds the gift disclosure threshold.

##### **309B Offence relating to gift from prohibited donor**

A person who does any act that is unlawful under section 309A is guilty of an offence if the person was, at the time of the act, aware of the facts that result in the act being unlawful.

Penalty: 400 penalty units or imprisonment for 2 years.

##### **309C Making of determination that person is not a prohibited donor**

- (1) A person may apply to the VEC for a determination that the person, or another entity, is not a person or entity specified in section 305A(a) or (b).
- (2) The application must be written and supported by enough information to enable the VEC to decide the application.

- (3) If the VEC is satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must make the determination sought by the applicant.
- (4) If the VEC is not satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must—
  - (a) decide not to make the determination; and
  - (b) give the applicant an information notice about the decision.
- (5) A determination made under this section has effect for 1 year unless it is earlier revoked.

#### **309D Revocation of determination**

- (1) If, at any time, the VEC ceases to be satisfied that the person or entity in respect of whom a determination under section 309C relates is not a person or entity specified in section 305A(a) or (b), the VEC may revoke the determination by giving a written notice of revocation to the person or entity and, if the person or entity was not the applicant for the determination, the applicant.
- (2) The notice of revocation given to the person or entity must include, or be accompanied by, an information notice about the decision to revoke the determination.

#### **309E Register of determinations**

- (1) The VEC must keep a register of determinations made under section 309C.
- (2) The register must include any revocations made under section 309D.
- (3) The VEC must make the register available for public inspection without fee."

#### **41E Certain amounts forfeited to State**

In section 310(1) of the **Local Government Act 2020**, after "309" insert "or 309A".

#### **41F New section 310A inserted**

After section 310 of the **Local Government Act 2020** insert—

##### **"310A Exception for membership subscriptions**

An annual or other subscription paid to a party by a natural person as a member of the party or for the person's affiliation with the party is not a gift for the purposes of this Division unless it is above the gift disclosure threshold."

#### Amendments circulated by Dr Ratnam (SR112C)

1. Clause 1, page 2, line 13, omit "owners." and insert "owners; and".
2. Clause 1, page 2, after line 13 insert—
  - "(e) to amend the **Local Government Act 2020** and the **City of Melbourne Act 2001** to enable a person who has attained 16 years of age to enrol on the voter's roll; and
  - (f) to amend the **Electoral Act 2002** to enable a person who has attained 16 years of age to provisionally enrol on the register of electors."
3. Page 18, after line 21 insert the following heading—

**"Division 2A—Minimum voting age".**

## NEW CLAUSES

4. Insert the following New Clauses to follow clause 27 and the heading proposed by amendment number 1—

**'27A Residents entitled to be enrolled without application**

In section 241(2)(a) of the **Local Government Act 2020**, for "18" substitute "16".

**27B Voting is compulsory**

For section 266(4) of the **Local Government Act 2020** substitute—

"(4) Subsection (1) or (2) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by the regulations applies to the person.".'.

5. Page 26, after line 30 insert the following heading—

**"Part 7A—Amendment of City of Melbourne Act 2001".**

## NEW CLAUSES

6. Insert the following New Clauses to follow clause 47 and the heading proposed by amendment number 5—

**'47A Persons entitled to be enrolled without application**

In section 9A(2)(a) of the **City of Melbourne Act 2001**, for "18 years" substitute "16 years".

**47B Compulsory voting**

For section 19(1A) of the **City of Melbourne Act 2001** substitute—

"(1A) Subsection (1) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by regulations under this Act or the **Local Government Act 2020** applies to the person.".'.

7. Page 27, before line 1 insert the following heading—

**"Part 7B—Amendment of Electoral Act 2002".**

## NEW CLAUSE

8. Insert the following New Clause to follow clause 47 and the heading proposed by amendment number 7—

**'47C Entitlement to enrolment of electors for Assembly and Council**

In section 22(5) of the **Electoral Act 2002**, for "17 years" substitute "16 years".'.

## AMENDMENT OF LONG TITLE

9. Long title, after "owners," insert "to amend the **City of Melbourne Act 2001** and the **Electoral Act 2002** in relation to the minimum voting age,".



Amendments circulated by Dr Ratnam (SR113C)

1. Page 15, after line 2 insert the following heading—

**"Division 1AA—Constitution of a Council—multi-member wards".**

NEW CLAUSES

2. Insert the following New Clauses to follow clause 18 and the heading proposed by amendment number 1—

**'18A Constitution of a Council**

- (1) In section 13(4)(a) of the **Local Government Act 2020** omit "subject to subsection (5),".

- (2) For section 13(4)(c) of the **Local Government Act 2020** substitute—

"(c) all Councillors elected to represent multi-member wards into which the municipal district is divided and divided so that an equal number of Councillors represents each ward; or

(d) Councillors elected to represent single member wards and multi-member wards of different sizes into which the municipal district is divided."

- (3) Section 13(5) and (5A) of the **Local Government Act 2020** are repealed.

**18B Electoral structure of a Council**

- (1) For section 15(1)(b)(ii) of the **Local Government Act 2020** substitute—

"(ii) that the Council is to be constituted in a manner specified in section 13(4)(a), (b), (c) or (d);".

- (2) In section 15(1)(b)(iv) of the **Local Government Act 2020**, for "Council;" substitute "Council".

- (3) Section 15(1)(c) and (d) of the **Local Government Act 2020** are repealed.

**18C Electoral structure review**

- (1) Section 16(1) of the **Local Government Act 2020** is repealed.

- (2) In section 16(2) of the **Local Government Act 2020**—

(a) for "subsections (13) and (14)" substitute "subsection (13)";

(b) omit ", (c) or (d)".

- (3) In section 16(3) of the **Local Government Act 2020**, for "If the Minister has established an electoral representation advisory panel, the" substitute "The".

- (4) After section 16(3) of the **Local Government Act 2020** insert—

"(3A) If the Minister elects not to adopt the advice of the electoral representation advisory panel under subsection (3) for the purposes of recommending that an Order in Council be made under section 15, the Minister must give written reasons for not adopting the electoral representation advisory panel's advice and table those reasons in each House of Parliament on or before the third sitting day after electing not to adopt the advice."

- (5) For section 16(4) of the **Local Government Act 2020** substitute—

"(4) Subject to subsection (6), an electoral representation advisory panel must be constituted by—

(a) the Electoral Commissioner appointed under section 12 of the **Electoral Act 2002** or a person nominated by the Electoral Commissioner to represent the Electoral Commissioner on the electoral representation advisory panel; and

- (b) any other person the Electoral Commissioner nominates to the Minister."
- (6) In section 16(7)(c) of the **Local Government Act 2020** omit "subject to the Minister first publishing a notice under section 13(5) in relation to a Council, or a specific type of Council,".
- (7) Section 16(7)(ca) of the **Local Government Act 2020** is repealed.
- (8) Section 16(14) of the **Local Government Act 2020** is repealed.'

## 2. SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022

### Amendments circulated by Ms Bath

1. Clause 6, line 22, omit "In the" and insert "(1) In the".
2. Clause 6, after line 24, insert—
  - '(2) After section 77F(2) of the **Sustainable Forests (Timber) Act 2004** insert—
    - "(3) Subsection (1) does not apply to a dog owned by an authorised person engaged in timber harvesting operations in a timber harvesting safety zone.".'
3. Clause 9, line 3, omit "In the" and insert "(1) In the".
4. Clause 9, after line 5, insert—
  - '(2) At the end of section 77I of the **Sustainable Forests (Timber) Act 2004** insert—
    - "(2) Subsection (1) does not apply to a dog owned by an authorised person engaged in timber harvesting operations in a timber harvesting safety zone.".'
5. Clause 13, line 26, omit "**in timber harvesting safety zones**".
6. Clause 13, lines 27 to 31, omit all words and expressions on these lines.
7. Clause 13, page 6, line 6, omit "Act." and insert 'Act.'.
8. Clause 13, page 6, lines 7 to 9, omit all words and expressions on these lines.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 169, 170, 171 and 172

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#### No. 169 — Tuesday, 16 August 2022

- 1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that he had, on 9 August 2022, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Local Government Legislation Amendment (Rating and Other Matters) Act 2022*  
*Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Act 2022.*

- 3 **HOUSE COMMITTEE MEMBERSHIP** — The President read a letter from the Hon Maree Edwards, Member for Bendigo West, resigning from the House Committee, effective from 16 August 2022.
- 4 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that he had been informed by the State Secretary of the Victorian Branch of the Australian Labor Party that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC.

Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC, and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 17 August 2022 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Driver registration alerts** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Thursday, 18 August 2022.
- **Toxic waste storage in Sunbury** — substantive and supplementary questions asked by Mr Finn — response from Ms Pulford due Thursday, 18 August 2022.

- 6 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**7 ENERGY LEGISLATION AMENDMENT (TRANSITION FROM COAL) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Environment Protection Act 2017 and the Renewable Energy (Jobs and Investment) Act 2017 to prohibit the authorisation of thermal coal activity under a licence and to increase the renewable energy target for Victoria and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**8 LAND AMENDMENT (ACCESSING LICENSED WATER FRONTAGES) BILL 2022** — Ms Bath introduced *A Bill for an Act to amend the Land Act 1958 to control access to and camping on licensed water frontages in response to potential foot and mouth disease outbreaks or other biosecurity, public safety or animal welfare risks, to amend the Livestock Management Act 2010 in relation to licensed water frontages and for other purposes.*

On the motion of Ms Bath, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**9 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF POWERS) BILL 2022** — Mr Davis introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to restore certain examination powers of the Commission and for other purposes.*

On the motion of Mr Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**10 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 11 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**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 —

Ballarat Planning Scheme — Amendment C214.

Cardinia Planning Scheme — Amendment C275.

Maroondah Planning Scheme — Amendment C147.

Pyrenees Planning Scheme — Amendment C51.

South Gippsland Planning Scheme — Amendment C124.

Victoria Planning Provisions — Amendments VC221 and VC223.

Wodonga Planning Scheme — Amendment C130.

Wyndham Planning Scheme — Amendment C248.

Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —

24 June 2022.

12 July 2022.

Statutory Rules under the following Acts of Parliament —

Assisted Reproductive Treatment Act 2008 — No. 60.

Building Act 1993 — No. 61.

Catchment and Land Protection Act 1994 — No. 59.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 59, 61, 64 and 66.

Legislative Instruments and related documents under section 16B in respect of —

Education and Training Reform Act 2006 — Ministerial Order No. 1365 – Order

Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees, of 2 August 2022.

Food Act 1984 —

Declarations and Exemptions of classes of food premises and requirements.

Declaration of minimum record keeping for class 3 and class 3A food premises.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Assisted Reproductive Treatment Amendment Act 2021 — Remaining provisions — 15 August 2022 (*Gazette No. S384, 2 August 2022*).

Liquor Control Reform Amendment Act 2021 — sections 4(1), 6, 19(2), 21, 22, 23, 24, 26, 27, 28, 37, 40, 42, 45, 46(1) and 47(a) — 25 August 2022 (*Gazette No. S384, 2 August 2022*).

**11 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 17 August 2022 —

- (1) Order of the Day made this day, second reading of the Land Amendment (Accessing Licensed Water Frontages) Bill 2022;
- (2) Order of the Day made this day, second reading of the Energy Legislation Amendment (Transition from Coal) Bill 2022;
- (3) Order of the Day made this day, second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022;
- (4) Order of the Day No. 2, resumption of debate on the second reading of the Health Legislation Amendment (Conscientious Objection) Bill 2022;
- (5) the notice of motion given this day by Mr Davis on the Independent Broad-based Anti-corruption Commission and the Hon Harriet Shing MLC;
- (6) Order of the Day No. 1, listed for a future day, resumption of debate on the second reading of the Multicultural Victoria Amendment (Independence) Bill 2022;
- (7) the notice of motion given this day by Ms Crozier on the production of documents relating to a supervised injecting room;
- (8) Notice of Motion No. 796, standing in Mrs McArthur's name on brumby culling; and
- (9) Order of the Day No. 1, resumption of debate on the second reading of the Planning and Environment Amendment (Wake Up to Climate Change) Bill 2022.

Question — put and agreed to.

**12 TEMPORARY ORDER RELATING TO DAYS AND HOURS OF MEETING RESCINDED** —

Ms Pulford moved, by leave, That the temporary order agreed to on 2 February 2021 relating to days and hours of meeting be rescinded to the extent necessary to allow start times on Wednesday, Thursday and Friday to be 9.30 a.m., effective immediately.

Question — put and agreed to.

**13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**15 TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 3

Mr Finn; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Symes 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, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Mr Finn; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 16 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday 17 August 2022 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 5, be postponed until later this day.

- 18 EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022** — 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.

- 19 VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —*

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On the motion of Mr Tarlamis, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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Debate continued.

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.

**20 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.11 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 170 — Wednesday, 17 August 2022

1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — FINANCIAL ASSISTANCE FOR BUSINESSES IMPACTED BY ALBERT STREET ROADWORKS** — Mrs McArthur presented a Petition bearing 1,392 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide financial assistance to businesses impacted by the roadworks along Albert Street in Sebastopol, speed up the rate of works and ensure efficient communication is provided to businesses during the road construction.

Ordered to lie on the Table.

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 67.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

5 **LAND AMENDMENT (ACCESSING LICENSED WATER FRONTAGES) BILL 2022** — Ms Bath laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Bath moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for two weeks.

6 **ENERGY LEGISLATION AMENDMENT (TRANSITION FROM COAL) BILL 2022** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for two weeks.

7 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF POWERS) BILL 2022** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for two weeks.

8 **HEALTH LEGISLATION AMENDMENT (CONSCIENTIOUS OBJECTION) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Ms Patten moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 9

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 7

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 28

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**9 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE HON HARRIET SHING MLC** — Mr Davis moved, That this House —

(1) notes —

- (a) the Independent Broad-based Anti-corruption Commission's (IBAC) submission on 15 July 2022 to the Integrity and Oversight Committee (IOC), which voiced 'grave concerns' about the procedure the Committee followed, accused the Committee of subjecting IBAC to 'profound procedural unfairness', and branded the Chair of the IOC, the Hon Harriet Shing MLC, as 'unresponsive' and claimed that she was responsible for 'disappointing shortcomings';
  - (b) that on 9 May 2022, Ms Shing ordered that the audio-visual feed of a public hearing of the IOC be cut, effectively shutting down the hearing and preventing the IBAC Commissioner, the Hon Robert Redlich AM, QC, from making his views known;
- (2) regards Ms Shing's treatment of an independent integrity agency as unreasonable, undemocratic, unacceptable and part of an Andrews Labor Government attack on IBAC;
  - (3) further notes that the same high-handed approach has been continued by Mr Gary Maas MP, the new Labor Chair of the IOC; and
  - (4) expresses its serious concern at the actions of Ms Shing and Mr Maas and calls on Ms Shing to publicly apologise to Mr Redlich.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **State of the Environment Report** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Friday, 19 August 2022.
- **Licensing and Regulation Division of Victoria Police** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Friday, 19 August 2022.



- **Feral pigs** — supplementary question asked by Ms Bath — response from Ms Tierney due Thursday, 18 August 2022.
- **Social housing waitlist** — substantive and supplementary questions asked by Dr Cumming — response from Ms Shing due Friday, 19 August 2022.
- **Albert Street, Sebastopol – impact of roadworks on traders** — supplementary question asked by Mrs McArthur — response from Ms Pulford due Thursday, 18 August 2022.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE HON HARRIET SHING MLC** — Debate continued on the question, That this House —

(1) notes —

(a) the Independent Broad-based Anti-corruption Commission's (IBAC) submission on 15 July 2022 to the Integrity and Oversight Committee (IOC), which voiced 'grave concerns' about the procedure the Committee followed, accused the Committee of subjecting IBAC to 'profound procedural unfairness', and branded the Chair of the IOC, the Hon Harriet Shing MLC, as 'unresponsive' and claimed that she was responsible for 'disappointing shortcomings';

(b) that on 9 May 2022, Ms Shing ordered that the audio-visual feed of a public hearing of the IOC be cut, effectively shutting down the hearing and preventing the IBAC Commissioner, the Hon Robert Redlich AM, QC, from making his views known;

(2) regards Ms Shing's treatment of an independent integrity agency as unreasonable, undemocratic, unacceptable and part of an Andrews Labor Government attack on IBAC;

(3) further notes that the same high-handed approach has been continued by Mr Gary Maas MP, the new Labor Chair of the IOC; and

(4) expresses its serious concern at the actions of Ms Shing and Mr Maas and calls on Ms Shing to publicly apologise to Mr Redlich.

Question — put.

The Council divided — The President in the Chair.

AYES, 8

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**13 MULTICULTURAL VICTORIA AMENDMENT (INDEPENDENCE) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 822 and 796, be postponed until later this day.

**15 PLANNING AND ENVIRONMENT AMENDMENT (WAKE UP TO CLIMATE CHANGE) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 8

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 26

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —*

**16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**17 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.10 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 171 — Thursday, 18 August 2022

**1** The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

**2 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 17 August 2022 to choose a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC and that Mr Thomas McIntosh was elected to hold the vacant place in the Legislative Council.

**3 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr Thomas McIntosh, having been introduced, approached the Table and took and subscribed the Affirmation required by law.

**4 PAPERS —**

**LETTER TO THE PRESIDENT AND SPEAKER RELATING TO THE 2021-22 ANNUAL REPORT ARRANGEMENTS** — Ms Symes moved, by leave, That there be laid before this House a letter from the Treasurer and Assistant Treasurer to the Presiding Officers in relation to the 2021-22 annual report arrangements.

Question — put and agreed to.

The letter was presented by Ms Symes and ordered to lie on the Table.

\* \* \* \* \*

**PRIVILEGES COMMITTEE — INQUIRY INTO MR ADEM SOMYUREK'S USE OF GOVERNMENT RESOURCES** — Pursuant to Standing Order 23.29, Ms Shing laid on the Table a Report from the Privileges Committee on the Inquiry into Mr Adem Somyurek's use of government resources (including Appendices).

Ordered to be published.

Ms Shing moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 65.

Victorian Inspectorate — Report on surveillance device records inspected during the period 1 July 2021 to 31 December 2021, under section 30Q of the Surveillance Devices Act 1999.

**5 BUSINESS OF THE COUNCIL — FRIDAY SITTING** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur on Friday, 19 August 2022 —

**1. Order of Business**

Messages  
Formal Business  
General Business (maximum 3 hours)

**At 12.00 noon** Questions

Constituency Questions  
General Business (continues)  
Government Business

**At 4.00 p.m.** Adjournment (maximum 30 minutes)

**2. Time limits — General Business**

Sessional Order 8 is suspended and the following time limits for General Business will apply —

**General Business (Standing Order 5.07)**

Total time	60 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes.

Question — put and agreed to.

**6 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Friday, 19 August 2022 —

- (1) Notice of Motion No. 822, standing in Ms Crozier's name on the production of documents relating to a supervised injecting room;
- (2) Notice of Motion No. 796, standing in Mrs McArthur's name on brumby culling;
- (3) Order of the Day No. 3, resumption of debate on the second reading of the Firearms Amendment Bill 2022; and
- (4) the notice of motion given this day by Dr Cumming on a Royal Commission into Victoria's response to COVID-19.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 730, be postponed until later this day.

**9 MENTAL HEALTH AND WELLBEING BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Crozier were circulated.

*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.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Gig economy workers** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 22 August 2022.
- **Sex offender register** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Monday, 22 August 2022.
- **Public housing in Port Melbourne** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Shing due Monday, 22 August 2022.

- **Use of lead-based ammunition by recreational shooters** — substantive and supplementary questions asked by Mr Meddick — response from Ms Symes due Friday, 19 August 2022.
- **Bridge rebuild** — substantive question asked by Mr Bourman — response from Mr Leane due Monday, 22 August 2022.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**12 MENTAL HEALTH AND WELLBEING BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten 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 CRIMES LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Mr Limbrick; Ms Patten; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

Ms Symes moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Circular Economy (Waste Reduction and Recycling) Act 2021, the Environment Protection Act 2017, the Sustainability Victoria Act 2005, the Climate Change Act 2017 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Mr Leane), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.

- 15 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sex Offenders Registration Act 2004, the Victoria Police Act 2013 and the Aboriginal Heritage Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Crimes Act 1958, the Criminal Procedure Act 2009, the Evidence (Miscellaneous Provisions) Act 1958, the Jury Directions Act 2015 and the Summary Offences Act 1966 in relation to sexual offences, evidence and procedure, to amend the Court Security Act 1980 and the Open Courts Act 2013 to extend the operation of certain temporary provisions and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned until the next day of meeting.

- 17 STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the State Sport Centres Act 1994, the Melbourne and Olympic Parks Act 1985, the Australian Grands Prix Act 1994, the Albert Park Land Act 1972, the Major Events Act 2009 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned until the next day of meeting.

- 18 RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to rented premises which are public housing for which Homes Victoria is the residential rental provider, to amend the Housing Act 1983 and the Residential Tenancies Act 1997 in relation to the provision of affordable housing, to amend the Housing Act 1983 to provide for Homes Victoria, to extend the default commencement date of the Social Services Regulation Act 2021 and amend the Supported Residential Services (Private Proprietors) Act 2010 to extend the operation of expiring regulations under that Act, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.

- 19 ADJOURNMENT** — Ms Shing moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 172 — Friday, 19 August 2022

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **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 —
    - Ballarat Planning Scheme — Amendment C227.
    - Horsham Planning Scheme — Amendment C79.
    - Port Phillip Planning Scheme — Amendment C183.
    - Queenscliffe Planning Scheme — Amendment C36.
    - Stonnington Planning Scheme — Amendment C322.
  - Statutory Rules under the following Acts of Parliament —
    - Commercial Passenger Vehicle Industry Act 2017 — No. 66.
    - Crown Land (Reserves) Act 1978 — No. 62.
    - Forests Act 1958 — No. 63.
    - Gas Safety Act 1997 — No. 64.
    - Subordinate Legislation Act 1994 — No. 65.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 57 and 68.
- 3 **PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — The Clerk laid on the Table a letter from the Attorney-General, dated 18 August 2022, in response to the Resolution of the Council of 25 May 2022 (on the motion of

Mr Davis), and further to the Government's initial response of 15 June 2022, relating to correspondence between the Premier and Mr John Woodman.

The Clerk further laid on the Table five documents in full, together with a schedule of the identified documents.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 30 August 2022.

Question — put and agreed to.

**5 PRODUCTION OF DOCUMENTS — SUPERVISED INJECTING ROOM** — Ms Crozier moved, That this House —

(1) notes that —

- (a) the Andrews Government will not commit to releasing a long-awaited report into Melbourne's second drug injecting facility before the November election;
- (b) Mr Ken Lay had been tasked with reviewing potential locations for another supervised injecting room in Melbourne's CBD;
- (c) the Premier, the Hon Daniel Andrews MP, and the Minister for Health, the Hon Mary-Anne Thomas MP, stated earlier this month that they did not know when Mr Lay's report would be finalised despite it being expected to be finished in 2020;
- (d) the State Government bought the former Yooralla facility site at 244 Flinders Street early last year;
- (e) residents of Melbourne deserve to be informed about the issues identified by Mr Lay in relation to the Government's plans for a second injecting room prior to the November state election; and

(2) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution, the current draft of Mr Lay's report and any prior drafts of the report that were provided to the Government.

Debate ensued.

Question — put and agreed to.

**6 BRUMBY CULLING** — Mrs McArthur moved, That this House —

(1) notes that this year the Andrews Government intends to —

- (a) via ground and aerial shooting, kill 500 brumbies in the Victorian Alpine National Park, including 65 Bogong High Plains Brumbies linked by bloodline to army remounts;
- (b) eradicate 400 Brumbies living in the Barmah National Park;

(2) regrets the failure of Parks Victoria to —

- (a) publish updated population counts in accordance with its own wild horse management plans;
- (b) pursue effectively trapping and rehoming of brumbies in accordance with the published management plans;

(3) believes that the necessity to include ground and aerial shooting in rough and remote wooded terrain cannot, given the terrain involved and the shooting of moving targets from moving platforms, avoid significant cruelty to animals injured but not killed outright;

(4) further notes the environmental and public health hazard presented by the current shooting operation tender for the Barmah and Alpine National Parks, which closed on 8 June 2022, states that carcasses will not be buried or removed but instead hidden from view, broken down and left to decompose in the national parks;

(5) requires the Minister for Energy, Environment and Climate Change to —

- (a) publicly announce the current brumby population numbers in the Barmah and Alpine National Parks;
- (b) reverse the current suspension of trapping and rehoming operations, including the approval of volunteer rehoming organisations; and
- (c) cancel any current or planned brumby shooting operations, particularly those which would leave carcasses to decompose on public land.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 13

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr McIntosh; Mr Melhem; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**7 FIREARMS AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 5

Mr Bourman; Dr Cumming; Mr Limbrick; Ms Maxwell; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

**8 ROYAL COMMISSION INTO VICTORIA'S RESPONSE TO COVID-19** — Dr Cumming moved, That this House —

- (1) notes that the Government has consistently failed the Victorian people through —
  - (a) the mismanagement of the health system;
  - (b) locking down the state, introducing mandates and curfews and closing playgrounds without producing any health advice to justify the measures;
  - (c) a consistent lack of integrity, alleged bullying and not cooperating in investigations;
  - (d) financial irresponsibility by blowing the budget and overspending billions of dollars on infrastructure and projects;
  - (e) the lack of transparency, including failing to produce reports, plans and business cases when requested;
  - (f) showing no accountability to the Parliament and the people of Victoria;
- (2) acknowledges that the mental health of the Victorian people, including children, has suffered during the past two years;
- (3) calls on the Government to establish a Royal Commission into Victoria's response to COVID-19; and
- (4) further acknowledges that a change in direction and of Government is needed to ensure the health of Victorians and the financial viability of the State.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 18 August 2022 —*

**9 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**BENDIGO GOVHUB** — Ms Shing having given answers to a question without notice and supplementary question relating to the Bendigo GovHub —

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.



**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Suburban Rail Loop** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Tuesday, 23 August 2022.
- **Fire Rescue Victoria – vehicles** — substantive and supplementary questions asked by Ms Burnett-Wake — response from Ms Symes due Monday, 22 August 2022.
- **Shooting sports at the 2026 Commonwealth Games** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Monday, 22 August 2022.
- **Victorian Fair Jobs Code** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Tuesday, 23 August 2022.
- **Reporting of Ministerial appointments** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Tuesday, 23 August 2022.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**11 ROYAL COMMISSION INTO VICTORIA'S RESPONSE TO COVID-19** — Debate continued on the question, That this House —

- (1) notes that the Government has consistently failed the Victorian people through —
  - (a) the mismanagement of the health system;
  - (b) locking down the state, introducing mandates and curfews and closing playgrounds without producing any health advice to justify the measures;
  - (c) a consistent lack of integrity, alleged bullying and not cooperating in investigations;
  - (d) financial irresponsibility by blowing the budget and overspending billions of dollars on infrastructure and projects;
  - (e) the lack of transparency, including failing to produce reports, plans and business cases when requested;
  - (f) showing no accountability to the Parliament and the people of Victoria;
- (2) acknowledges that the mental health of the Victorian people, including children, has suffered during the past two years;
- (3) calls on the Government to establish a Royal Commission into Victoria's response to COVID-19; and
- (4) further acknowledges that a change in direction and of Government is needed to ensure the health of Victorians and the financial viability of the State.

Question — put.

The Council divided — The President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 17

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

*Business having been interrupted after 3 hours of General Business pursuant to an Order of the Council of 18 August 2022 —*

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 730, be postponed until later this day.

**13 STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Bach were circulated.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**14 JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS)**

**BILL 2022** — 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.

On the motion of Dr Bach, the debate was adjourned until the next day of meeting.

**15 WORKPLACE BEHAVIOUR IN THE VICTORIAN PARLIAMENT — RESOLUTION OF THE COUNCIL ON 8 JUNE 2022 — RESPONSE FROM THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSIONER**

The Clerk read a letter from the Victorian Equal Opportunity and Human Rights Commissioner, dated 19 August 2022, in response to the Resolution of the Council of 8 June 2022 that directed the President to write to the Victorian Equal Opportunity and Human Rights Commissioner requesting that they inquire into and report back to the President on matters relating to bullying and harassment within the Victorian Parliament.

**16 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 4.02 p.m., adjourned until Tuesday, 30 August 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 169, 170, 171 and 172

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### TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022

*Committed Tuesday, 16 August 2022*

**Clauses 1 to 22** — put and agreed to.

**Preamble** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022

*Committed Tuesday, 16 August 2022*

**Clauses 1 to 69** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### MENTAL HEALTH AND WELLBEING BILL 2022

*Committed Thursday, 18 August 2022*

*Amendments circulated: Ms Crozier (p. 1289) and Ms Patten (p. 1289)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Patten moved Amendment No. 1 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 11** — put and agreed to.

**Clause 12** — Ms Crozier moved Amendment No. 1 — put and agreed to.

Clause 12, as amended — put and agreed to.

**Clauses 13 to 327** — put and agreed to.

**New Part Heading and New Clauses** — Ms Patten moved Amendment Nos. 2 and 3.

Question — That the New Part Heading and New Clauses stand part of the Bill — put and agreed to.

**Clauses 328 to 742** — put and agreed to.

**Clause 743** — no question put pursuant to Standing Order 14.15(2).

**Clauses 744 to 885** — put and agreed to.

**Preamble** — put and agreed to.

**Bill reported with amendments.**

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**CRIMES LEGISLATION AMENDMENT BILL 2022**

*Committed Thursday, 18 August 2022*

**Clauses 1 to 7** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. MENTAL HEALTH AND WELLBEING BILL 2022***Amendments circulated by Ms Crozier (GC33C)*

1. Clause 12, page 36, line 9, after "wellbeing" insert "including alcohol and other drug support services and treatment".

*Amendments circulated by Ms Patten (FP41C)*

1. Clause 3, page 18, after line 2 insert—

**"Mental Health Workforce Safety and Wellbeing Committee** means the Mental Health Workforce Safety and Wellbeing Committee established by the Health Secretary under section 327A;"

2. Page 264, after line 24 insert the following heading—

**"Part 6.5A—Mental Health Workforce Safety and Wellbeing Committee".**

NEW CLAUSES

3. Insert the following New Clauses to follow clause 327 and the heading proposed by amendment number 2—

**"327A Mental Health Workforce Safety and Wellbeing Committee**

- (1) The Health Secretary must establish a Mental Health Workforce Safety and Wellbeing Committee in accordance with the regulations.
- (2) The Mental Health Workforce Safety and Wellbeing Committee consists of members appointed by the Health Secretary.
- (3) The Health Secretary may appoint 2 of the members of the Mental Health Workforce Safety and Wellbeing Committee to jointly chair the Committee.
- (4) Members of the Mental Health Workforce Safety and Wellbeing Committee must have experience, skills or knowledge that is relevant to the objectives of the Mental Health Workforce Safety and Wellbeing Committee.
- (5) The regulations may make provision for or with respect to—
  - (a) the appointment of the Mental Health Workforce Safety and Wellbeing Committee, including the number of members; and
  - (b) the powers and procedures of the Mental Health Workforce Safety and Wellbeing Committee.

**327B Objectives of the Mental Health Workforce Safety and Wellbeing Committee**

- (1) The objectives of the Mental Health Workforce Safety and Wellbeing Committee are to provide advice to the Health Secretary and the Chief Officer in relation to—
  - (a) the prevention of risks to health, safety and wellbeing in the mental health and wellbeing workforce; and
  - (b) approaches to monitoring and responding to risks to health, safety and wellbeing in the mental health and wellbeing workforce.
- (2) The Mental Health Workforce Safety and Wellbeing Committee may appoint a sub-committee to assist the Mental Health Workforce Safety and Wellbeing Committee to achieve its objectives under subsection (1)."





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 173, 174 and 175

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#### No. 173 — Tuesday, 30 August 2022

- 1 The President took the Chair at 11.33 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 23 August 2022 —
    - Education Legislation Amendment (Adult and Community Education and Other Matters) Act 2022*
    - Treaty Authority and Other Treaty Elements Act 2022*
    - Victorian Energy Efficiency Target Amendment Act 2022.*
  - On 30 August 2022 —
    - Crimes Legislation Amendment Act 2022.*
- 3 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Mr Barton resigning from the Public Accounts and Estimates Committee, effective from 26 August 2022.
- 4 **STANDING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Mr Barton be discharged from the Standing Committee on —
  - (1) Economy and Infrastructure; and
  - (2) Legal and Social Issues.Question — put and agreed to.
- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Disused health service land** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 1 September 2022.
  - **WorkSafe financial position** — substantive question asked by Mr Davis — response from Ms Stitt due Wednesday, 31 August 2022.
  - **Police workplace behaviour** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 1 September 2022.
- 6 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

- 7 PETITION — SAVE THE NATIVE TIMBER INDUSTRY** — Ms Bath presented a Petition bearing 84 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to overturn its flawed and appalling decision to shut down the native timber industry and close loopholes that allow legal action by green lawfare groups to shut down harvesting operations.

Ordered to lie on the Table.

- 8 EQUAL OPPORTUNITY AMENDMENT (PROTECTING LGBTIQA STUDENTS) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Equal Opportunity Act 2010 to provide that religious educational institutions cannot discriminate against students based on sexual orientation or gender identity by using standards of dress and behaviour in schools, to limit discrimination against LGBTIQA students on the basis of religious belief to the time of admission at a religious educational institution and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 9 ANTI-CORRUPTION AND HIGHER PARLIAMENTARY STANDARDS (STRENGTHENING INTEGRITY) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to reform the standards for Ministers, Parliamentary Secretaries, Members of Parliament, Ministerial officers and lobbyists by establishing the Independent Parliamentary Integrity Commissioner and amending the Members of Parliament (Standards) Act 1978, the Independent Broad-based Anti-corruption Commission Act 2011, the Parliamentary Committees Act 2003 and the Public Administration Act 2004 and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**10 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 12 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO EXTREMISM IN VICTORIA** —

Pursuant to Standing Order 23.29, Ms Patten laid on the Table a Report from the Legal and Social Issues Committee on the Inquiry into extremism in Victoria (including Appendices 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.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2022–23 BUDGET ESTIMATES** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor laid on the Table the Public Accounts and Estimates Committee's Report on the 2022-23 Budget Estimates (including a Minority Report), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — END OF TERM REPORT FOR THE 59TH PARLIAMENT** — Ms Taylor moved, by leave, That there be laid before this House a copy of the Public Accounts and Estimates Committee End of Term Report for the 59th Parliament (including Appendices).

Question — put and agreed to.

Ordered to lie on the Table and be published.



**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 16 June 2022 giving approval to the granting of a licence at Kings Domain Reserve and Alexandra Park Reserve.

Minister's Order of 31 July 2022 giving approval to the granting of a lease at Point Leo Foreshore Reserve.

Minister's Order of 15 August 2022 giving approval to the granting of a licence at Treasury Gardens, Alexandra Gardens, Kings Domain Reserve and Parliament Gardens.

Order of 25 August 2022 giving approval to the granting of a licence at Albert Park.

Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in relation to — Guidelines for Assessing Fitness to Drive (*Gazette S415, 19 August 2022*).

Statutory Rule No. 61 (*Gazette G33, 18 August 2022*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Brimbank Planning Scheme — Amendment C234.

Melton Planning Scheme — Amendment C208.

Moreland Planning Scheme — Amendment C222.

Northern Grampians Planning Scheme — Amendment C61.

Statutory Rules under the following Acts of Parliament —

Alpine Resorts (Management) Act 1997 — No. 67.

Electoral Act 2002 — No. 68.

Supreme Court Act 1986 — No. 69.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 62, 63 and 69.

Legislative instruments and related documents under section 16B in respect of Guidelines for rooming house exemption under section 75 of the Land Tax Act 2005.

Victorian Electoral Commission — Report to Parliament on the 2021 South Gippsland Shire Council general election, August 2022.

Victorian Environmental Assessment Council — Assessment of the values of the Strathbogrie Ranges and Mirboo North Immediate Protection Areas, July 2022, pursuant to section 26E of the Victorian Environmental Assessment Council Act 2001.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Gambling and Liquor Legislation Amendment Act 2022 — Part 2 (other than Division 1), Part 3 (other than Divisions 1 and 3), Part 4 (other than sections 146(3), 147, 148, 149 and 155) and Part 5 — 1 September 2022 (*Gazette No. S422, 23 August 2022*).

Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021 — Whole Act (other than section 11(7) and (8)) — 1 September 2022 (*Gazette No. S422, 23 August 2022*).

Workplace Injury Rehabilitation and Compensation Amendment (Arbitration) Act 2021 — Whole Act — 1 September 2022 (*Gazette No. S422, 23 August 2022*).

**11 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 31 August 2022 —

- (1) Order of the Day made this day, second reading of the Anti-corruption and Higher Parliamentary Standards (Strengthening Integrity) Bill 2022;
- (2) notice of motion given this day by Mr Davis on referring new evidence to the Ombudsman;
- (3) Notice of Motion No. 781 standing in Ms Crozier's name on support for IVF testing and treatments;
- (4) notice of motion given this day by Mr Barton on Uber;
- (5) notice of motion given this day by Mr Barton on integrity;
- (6) Order of the Day No. 3, listed for a future day, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022;

- (7) Order of the Day No. 1, resumption of debate on the second reading of the Multicultural Victoria Amendment (Independence) Bill 2022; and  
 (8) Order of the Day No. 53, resumption of debate on a motion relating to Victorian Building Authority fee increases.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 730, be postponed until later this day.

**14 JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Bach were circulated.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

**15 ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis and Dr Ratnam were circulated.

Question — put and 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 —*

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On the motion of Mr Tarlamis, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

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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 MENTAL HEALTH AND WELLBEING BILL 2022** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**17 JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022** — 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.

Ms Symes 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, 36

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 1

Dr Cumming.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**18 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.40 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 174 — Wednesday, 31 August 2022

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PAPERS** —

**PRIVILEGES COMMITTEE — INQUIRY INTO BREACH OF COMMITTEE DELIBERATIONS AND REPORT CONTENTS** — Pursuant to Standing Order 23.29, Ms Shing laid on the Table a Report from the Privileges Committee on the Inquiry into breach of committee deliberations and report contents (including an Appendix).

Ordered that the Report be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Auditor-General's Report on the Follow-up of Protecting Victoria's Coastal Assets, August 2022 *(Ordered to be published)*.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

4 **ANTI-CORRUPTION AND HIGHER PARLIAMENTARY STANDARDS (STRENGTHENING INTEGRITY) BILL 2022** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for two weeks.

5 **REFERRING NEW EVIDENCE TO THE OMBUDSMAN** — Mr Davis moved, That this House —  
(1) notes —

(a) the recent reports from the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission (IBAC), including the —

(i) Ombudsman's Report on their *Investigation of a matter referred from the Legislative Council on 9 February 2022 – Part 1*, transmitted out of session on 28 July 2022;

- (ii) IBAC and Ombudsman's Report on *Operation Watts: Investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party-related activities*, transmitted out of session on 20 July 2022;
- (iii) Ombudsman's Report on their *Investigation of a matter referred from the Legislative Council on 25 November 2015*, transmitted out of session on 21 March 2018;
- (b) the Ombudsman indicated that she was open to receiving new evidence, should it appear;
- (c) that a sworn statement by a senior member of Victoria Police provides detailed evidence that the investigation by Victoria Police may have been interfered with;
- (2) requires Mr Davis to provide a copy of the sworn statement to the Clerk;
- (3) requires the Clerk to refer the statement referred to in paragraph (1)(c) and (2) to the Ombudsman and requests that, pursuant to section 16 of the *Ombudsman Act 1973*, the Ombudsman —
  - (a) assess the material and, if appropriate, reopen their investigations; and
  - (b) refer to IBAC, as appropriate, under section 16E of the *Ombudsman Act 1973*, to assess the claims made concerning interference in the police investigation as outlined in the statement.

Debate ensued.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 18

Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

The Ayes and Noes being equal, the question was negatived.

**6 SUPPORT FOR IVF TESTING AND TREATMENTS** — Ms Crozier moved, That this House notes —

- (1) the decision by the Andrews Government to suspend time sensitive IVF services earlier this year which caused unnecessary distress and confusion to women and their partners;
  - (2) that Victorians considering IVF should not be unfairly prohibited from accessing this procedure to assist having a baby simply due to their financial status;
- and calls on the Andrews Government to immediately match the Victorian Liberal and Nationals' commitment of providing rebates to assist women and their partners in support of IVF testing and treatments.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders —*

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Thomas Embling Hospital** — substantive and supplementary questions asked by Ms Maxwell — response from Mr Leane due Friday, 2 September 2022.

- **Regional public transport – wheelchair accessible vehicles** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 2 September 2022.
- **Victorian Civil and Administrative Tribunal – review of planning decisions** — substantive and supplementary questions asked by Mr Hayes — response from Ms Shing due Friday, 2 September 2022.
- **State debt** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Friday, 2 September 2022.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 REVIEW OF TAXI AND HIRE CAR INDUSTRY** — Mr Barton moved, That this House —

(1) notes that —

- (a) a recent media exposé dated 12 July 2022 of leaked confidential documents titled ‘The Uber files’ by *The Guardian* newspaper confirms that ‘Uber broke laws, duped police and secretly lobbied governments’ during its aggressive global expansion;
- (b) Uber’s rise in Victoria since April 2014 spanned successive governments of both persuasions;
- (c) regulators failed the commercial passenger vehicle industry as Uber bulldozed its way into the local market and operated illegally for close to three and a half years while they were asleep at the wheel;
- (d) the illegal activity led to devastating consequences for the incumbent industry, the legacy of which continues today;
- (e) people lost their livelihoods, their homes, their superannuation and in some cases their lives;
- (f) Uber sold people a lie about the economic benefits to drivers of the company’s gig economy model;
- (g) the industry is in a state of disrepair as services and price certainty are in decline and wheelchair services are diminishing;
- (h) decision makers were sold a lemon;

(2) calls on the Government for a serious and considered evaluation by independent review on the —

- (a) way the local taxi and hire car industry was allowed to unravel;
- (b) part Uber played in steering these outcomes for their own benefit; and
- (c) way this was enabled by regulators.

Mr Melhem moved, That the debate be adjourned until later this day.

Debate ensued.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 27

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 9

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Ms Lovell; Mrs McArthur; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Question — That the debate be adjourned until later this day — put and agreed to.

**10 LEADER OF THE OPPOSITION IN THE LEGISLATIVE COUNCIL** — Mr Barton moved, That —

- (1) the Leader of the Opposition in the Legislative Council no longer possesses the confidence of this House, and notes that he —
  - (a) acted in an abusive and threatening manner towards staff at the Bright Brewery in April 2021 and therefore brought discredit to Parliament during a regional sitting trip;
  - (b) was intoxicated and acted inappropriately towards participants at a Victorian Multicultural Commission dinner in March 2022 and brought further discredit to Parliament;
  - (c) deliberately misled the House in his statements and accusations that impugned Mr Barton's character and reputation; and
- (2) this House calls on Mr Davis to resign as Leader of the Opposition in the Council for his outrageous behaviour.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Finn; Dr Kieu; Mr Leane; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 9

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Ms Lovell; Mrs McArthur; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

**11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF POWERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned until later this day.

**12 MULTICULTURAL VICTORIA AMENDMENT (INDEPENDENCE) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**13 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.

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 INAUGURAL SPEECH — MR THOMAS MCINTOSH** — Pursuant to Standing Order 5.08, Mr Thomas McIntosh made his inaugural speech.

**16 ADJOURNMENT** — Mr Leane moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.51 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 175 — Thursday, 1 September 2022

**1** The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPERS** —

**PARLIAMENTARY INTEGRITY ADVISER'S REPORT, 2021-22** — Pursuant to paragraph 4(b) of the Resolution of the Council of 30 April 2019, the Clerk laid on the Table the Parliamentary Integrity Adviser's Report, 2021-22.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on The Effectiveness of Victoria Police's Staff Allocation, September 2022 (*Ordered to be published*).

Sentencing Act 1991 — Sentencing of emergency worker harm offences: Review into the operation and effectiveness of the *Sentencing Amendment (Emergency Worker Harm) Act 2020*.

**3 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 13 September 2022.

Question — put and agreed to.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 730, be postponed until later this day.

**6 RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

*Business having been interrupted at 12.00 noon pursuant to Sessional Orders* —

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**FUEL EXCISE CONCESSION** — Ms Pulford having given answers to a question without notice and supplementary question relating to fuel excise concession —

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.

\* \* \* \* \*

**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:

- **East Werribee Employment Precincts Plan** — substantive and supplementary questions asked by Mr Finn — response from Ms Shing due Monday, 5 September 2022.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Question — put and agreed to.

*The President having ruled that certain amendments proposed to be moved in Committee by Dr Ratnam were outside the scope of the Bill —*

Dr Ratnam moved, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Residential Tenancies Act 1997* to provide for a limit on rent increases in accordance with the wage price index for Victoria published by the Australian Bureau of Statistics.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 14

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr McIntosh; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Shing 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, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 4

Dr Cumming; Mr Finn; Mr Limbrick; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

**11 STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022** — Bill committed to a Committee of the whole.



House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**12 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022 —**

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.

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, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 3

Mr Limbrick; Ms Patten; Mr Quilty.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**13 EARLY CHILDHOOD LEGISLATION AMENDMENT BILL 2022 —** The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Care Services National Law Act 2010, the Children's Services Act 1996, the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021, the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned for one week.

**14 MAJOR CRIME AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2022 —**

The President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Crimes Act 1958, the Crimes (Assumed Identities) Act 2004, the Drugs, Poisons and Controlled Substances Act 1981 and the Sex Work Decriminalisation Act 2022 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned for one week.

- 15 CASINO LEGISLATION AMENDMENT (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Casino (Management Agreement) Act 1993, the Gambling Regulation Act 2003 and the Tobacco Act 1987 to implement recommendations of the Royal Commission into the Casino Operator and Licence and other gambling reforms and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 16 MONITORING OF PLACES OF DETENTION BY THE UNITED NATIONS SUBCOMMITTEE ON PREVENTION OF TORTURE (OPCAT) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to facilitate visits to places of detention and access to information by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the Subcommittee's mandate under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Shing (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Shing 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 Shing, the second reading speech was incorporated into Hansard.

Ms Shing moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Dr Bach), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Ms Shing moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.11 p.m., adjourned until Tuesday, 13 September 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 173, 174 and 175

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### ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2022

*Committed Tuesday, 30 August 2022*

*Amendments circulated: Mr Davis (p. 1307) and Dr Ratnam (p. 1307)*

**Clauses 1 to 13** — put and agreed to.

**Clause 14** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Mr Bourman; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 14 — put and agreed to.

**Clauses 15 to 81** — put and agreed to.

**Bill reported without amendment.**

**JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022***Committed Tuesday, 30 August 2022**Amendments circulated: Dr Bach (p. 1308) and Dr Ratnam (p. 1308)***Clauses 1 to 4** — put and agreed to.**Clause 5** — Dr Bach moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 21** — put and agreed to.**Clause 22** — Dr Ratnam moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barton; Mr Meddick; Ms Patten; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 34

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 22 — put and agreed to.

**Clauses 23 to 95** — put and agreed to.**Bill reported without amendment.**

**RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022**

*Committed Thursday, 1 September 2022*

*Amendments circulated: Mr Davis (p. 1308) and Dr Ratnam (pp. 1308-9)*

**Clause 1** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Hayes; Mr Meddick; Dr Ratnam.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr McIntosh; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 23** — put and agreed to.

**Clause 24** — Mr Davis moved Amendment Nos. 1 to 4.

Mr Davis withdrew Amendment Nos. 1 to 4.

Clause 24 — put and agreed to.

**Clauses 25 to 68** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022**

*Committed Thursday, 1 September 2022*

*Amendments circulated: Dr Bach (pp. 1309-10)*

**Clauses 1 to 10** — put and agreed to.

**Clause 11** — Dr Bach moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Hayes; Ms Lovell; Mrs McArthur; Dr Ratnam; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

## NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Clause 11 — put and agreed to.

**Clauses 12 to 30** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022**

*Committed Thursday, 1 September 2022*

**Clauses 1 to 26** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2022***Amendments circulated by Mr Davis*

1. Clause 14, page 43, lines 1 to 11, omit all words and expressions on those lines.
2. Clause 14, page 49, line 5, omit "If the Head, Recycling Victoria is satisfied" and insert "The Head, Recycling Victoria".
3. Clause 14, page 49, lines 6 to 8, omit all words and expressions on those lines.
4. Clause 14, page 52, line 10, omit "Subject to section 74U, the" and insert "The"
5. Clause 14, page 53, lines 8 to 13, omit all words and expressions on those lines.
6. Clause 14, page 53, line 14, omit "(b)" and insert "(a)".
7. Clause 14, page 53, line 18, omit "(c)" and insert "(b)".
8. Clause 14, page 53, lines 29 to 35, omit all words and expressions on those lines.
9. Clause 14, page 54, lines 1 and 2, omit all words and expressions on those lines.
10. Clause 14, page 57, lines 9 to 14, omit all words and expressions on those lines.
11. Clause 14, page 57, line 15, omit "(b)" and insert "(a)".
12. Clause 14, page 57, line 19, omit "(c)" and insert "(b)".
13. Clause 14, page 57, line 22, omit "(d)" and insert "(c)".
14. Clause 14, page 57, lines 23 to 26, omit all words and expressions on those lines.
15. Clause 14, page 57, line 30, omit "(b)" and insert "(a)".
16. Clause 14, page 59, line 8, omit "unless—" and insert "unless the Head, Recycling Victoria has determined that the holder of the cap licence may apply for an increase in the allocated cap amount specified in that licence under section 74R(6); or".
17. Clause 14, page 59, lines 9 to 22, omit all words and expressions on those lines.

*Amendments circulated by Dr Ratnam*

1. Clause 14, page 44, line 16, after "licence" insert "to process no more than 50 000 tonnes of permitted waste per annum".
2. Clause 14, page 44, line 17, after "licence" insert "to process no more than 50 000 tonnes of permitted waste per annum".

## 2. JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022

### Amendments circulated by Dr Bach

1. Clause 5, line 6, omit "and voluntary".
2. Clause 15, line 8, omit "and voluntary".
3. Clause 22, page 18, line 4, omit "and voluntary".

### Amendments circulated by Dr Ratnam

1. Clause 22, page 17, lines 1 to 3, omit "female, or a transgender or intersex person identifying as female," and insert "female or has breasts,".
2. Clause 22, page 17, after line 4 insert—
  - "(e) if the person is a transgender male person or a person whose gender is neither exclusively male nor exclusively female, the person's chest area;".

## 3. RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022

### Amendments circulated by Mr Davis

1. Clause 24, line 12, omit "With" and insert "(1) With".
2. Clause 24, page 28, after line 5 insert—
  - "(2) A thing done by Homes Victoria under this section may be disallowed in whole or in part by either House of Parliament."
3. Clause 24, page 28, line 31, omit 'suffer.'" and insert "suffer."
4. Clause 24, page 28, after line 31 insert—
  - '(3) A thing done by a Homes Victoria subsidiary under this section may be disallowed in whole or in part by either House of Parliament.'".

### Amendments circulated by Dr Ratnam

1. Clause 1, page 2, after line 11 insert—
  - "(ab) to amend the **Residential Tenancies Act 1997** to provide for a limit on rent increases in accordance with the wage price index for Victoria published by the Australian Bureau of Statistics;".
2. Page 17, after line 13 insert the following heading—

### **"Part 3A—Amendment of Residential Tenancies Act 1997—rent increases"**

#### NEW CLAUSES

3. Insert the following New Clauses to follow clause 17 and the heading proposed by amendment number 2—



**'17A Definitions**

(1) In section 3(1) of the **Residential Tenancies Act 1997**, in paragraph (d) of the definition of **visitor**, for "tenant." **substitute** "tenant;".

(2) In section 3(1) of the **Residential Tenancies Act 1997** **insert** the following definition—

**"wage price index** means the index titled "All-Industries Total Hourly Rates of Pay Excluding Bonuses for the Private and Public Sectors in Victoria" in original terms published by the Australian Bureau of Statistics."

**17B Rent increases**

After section 44(4A) of the **Residential Tenancies Act 1997** **insert**—

"(4AB) A residential rental provider must not increase the rent payable under a residential rental agreement at a rate that is greater than the wage price index number."

**17C How much notice of rent increase is required?**

After section 101(5A) of the **Residential Tenancies Act 1997** **insert**—

"(5AB) A rooming house operator must not increase the rent payable by a resident at a rate that is greater than the wage price index number."

**17D How much notice is required of rent or hiring charge increase?**

After section 152(5B) of the **Residential Tenancies Act 1997** **insert**—

"(5C) A caravan park owner or a caravan owner must not increase the rent or hiring charge payable by a resident at a rate that is greater than the wage price index number."

**17E Rent increases in site agreements**

After section 206SA(2) of the **Residential Tenancies Act 1997** **insert**—

"(2A) A site owner must not increase the rent payable by a site tenant under a site agreement at a rate that is greater than the wage price index number."

**17F How much notice is required of non-fixed rent increase?**

After section 206V(2) of the **Residential Tenancies Act 1997** **insert**—

"(2A) A site owner must not increase the rent payable by a site tenant under a proposed site agreement that is to replace an existing site agreement at a rate that is greater than the wage price index number."

**AMENDMENT OF LONG TITLE**

4. Long title, after "affordable housing," insert "to amend the **Residential Tenancies Act 1997** in relation to rent increases,".

**4. STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022***Amendments circulated by Dr Bach*

1. Clause 11, page 12, line 23, omit '**1978.**' and insert '**1978.**'.
2. Clause 11, page 12, after line 23 insert—

**'26FF Knox Regional Sports Park Advisory Committee**

- (1) There is established by this Act an advisory committee to be known as the "Knox Regional Sports Park Advisory Committee".

- (2) Subject to subsection (3), the Knox Regional Sports Park Advisory Committee consists of members appointed by the Minister including—
- (a) a person nominated by the Trust, being a member of the Trust;
  - (b) a person nominated by the Knox City Council;
  - (c) a minimum of 5 persons nominated by sporting clubs and community groups that use and are interested in the operation and management of the Knox Regional Sports Park.
- (3) The chief executive officer of the Trust is a member of the Knox Regional Sports Park Advisory Committee.
- (4) The chairperson of the Knox Regional Sports Park Advisory Committee is the member appointed under subsection (2)(a).

**26FG Function of Knox Regional Sports Park Advisory Committee**

The function of the Knox Regional Sports Park Advisory Committee is to advise the Trust on the operation and management of the Knox Regional Sports Park and the Knox Regional Sports Park land.

**26FH Procedure**

Subject to this Act, the Knox Regional Sports Park Advisory Committee may regulate its own procedure."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 176

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### No. 176 — Tuesday, 13 September 2022

- 1 The President took the Chair at 11.37 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **MESSAGE FROM THE GOVERNOR — DEATH OF QUEEN ELIZABETH II AND ACCESSION OF KING CHARLES III** — The President announced that he had received the following Message from the Governor:

#### DEATH OF QUEEN ELIZABETH II AND ACCESSION OF KING CHARLES III

The Governor informs the Legislative Council that she has learned with the deepest regret that our late most Gracious Sovereign Her Majesty Queen Elizabeth passed away at Balmoral Castle, United Kingdom on the 8th day of September, 2022.

The Governor further informs the Legislative Council that on the 11th day of September, 2022, His Majesty King Charles the Third was duly and lawfully proclaimed King of Australia and His other Realms and Territories, Head of the Commonwealth.

The Governor therefore desires that pursuant to section 23 of the *Constitution Act 1975*, honourable members will, before they proceed to sit and vote in the Council, severally take and subscribe the Oath or Affirmation of Allegiance set forth in the Second Schedule to the said Act to His Majesty King Charles the Third, before a Commissioner duly authorised by the Governor to attend in the Legislative Council this day to administer the same.

LINDA DESSAU AC  
Governor

- 3 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable the Acting Chief Justice and President of the Court of Appeal, the Commissioner from the Governor appointed to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975*, was introduced to the Council Chamber by the Usher of the Black Rod. The Commissioner announced that she had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC,  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE KARIN EMERTON,  
ACTING CHIEF JUSTICE AND PRESIDENT OF THE COURT OF APPEAL  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any

Member of the Legislative Council or Legislative Assembly on the 13th day of September 2022.

GIVEN under my hand and the Seal of Victoria  
on this 12th day of September 2022

LINDA DESSAU AC  
Governor

(L.S.)

By Her Excellency's Command  
DANIEL ANDREWS MP  
Premier

- 4 DECLARATION OF ALLEGIANCE** — Mr Atkinson, Dr Bach, Mr Barton, Ms Bath, Mr Bourman, Ms Burnett-Wake, Ms Crozier, Dr Cumming, Mr Davis, Mr Elasmarr, Mr Erdogan, Mr Finn, Mr Gepp, Mr Grimley, Mr Hayes, Dr Kieu, Mr Leane, Mr Limbrick, Ms Lovell, Ms Maxwell, Mrs McArthur, Mr McIntosh, Mr Meddick, Mr Melhem, Mr Ondarchie, Ms Pulford, Mr Quilty, Dr Ratnam, Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Stitt, Ms Symes, Mr Tarlamis, Ms Taylor, Ms Terpstra, Ms Tierney, Ms Vaghela and Ms Watt approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable the Acting Chief Justice attested the Roll, and then withdrew from the Chamber.

- 5 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC,  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE NAZIH ELASMARR MLC,  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since the demise of the Crown.

GIVEN under my hand and the Seal of Victoria  
on this 12th of September 2022

LINDA DESSAU AC  
Governor

(L.S.)

By Her Excellency's Command  
DANIEL ANDREWS MP  
Premier

- 6 ADDRESS TO HIS MAJESTY KING CHARLES III — DEATH OF HER MAJESTY QUEEN ELIZABETH II** — Ms Symes moved, by leave, That —

- (1) the following resolution be agreed to by this House:

His Majesty King Charles III:

We, the Legislative Council of Victoria, in Parliament assembled, express our deep sympathy with Your Majesty and members of the Royal Family in your sorrow at the death of Her late Majesty Queen Elizabeth II. We acknowledge and pay tribute to Her Majesty's lifetime of dedicated service and honour the commitment she made to the people of the Commonwealth.

- (2) the following Address to the Governor be agreed to by this House:

Governor:

We, the Members of the Legislative Council of Victoria, in Parliament assembled, respectfully request that you communicate the accompanying resolution to His Majesty King Charles III.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 7 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 20 September 2022, at 9.30 a.m.

Dr Cumming moved, as an amendment, That all words and expressions after “adjourn” be **omitted** and the following **inserted** in their place “until Tuesday, 27 September 2022.”.

Debate ensued.

Question — That the amendment moved by Dr Cumming be agreed to — put and negatived.

Original question — That the Council, at its rising, adjourn until Tuesday, 20 September 2022, at 9.30 a.m. — put and agreed to.

- 8 ADJOURNMENT** — As a further mark of respect to the memory of Her late Majesty Queen Elizabeth II, the House, at 1.46 p.m., suspended for the remainder of the sitting, and therefore adjourned until Tuesday, 20 September 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 177 and 178

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#### No. 177 — Tuesday, 20 September 2022

- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **DECLARATION OF ALLEGIANCE** — Ms Patten, having been called on by the President, approached the Table and took and subscribed the Affirmation required by law.
  - 3 **BUSINESS OF THE COUNCIL** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur today and tomorrow —
    1. **Order of business today**
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - Government Business
      - At 12.00 noon** Questions
      - Constituency Questions (up to 15 Members)
      - Lunch break (60 minutes)
      - Government Business
      - At 6.30 p.m.** Meal break (60 minutes)
      - Government Business
      - At 10.00 p.m.** Adjournment (up to 20 Members)
    2. **Order of business on Wednesday**
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - General Business
      - At 12.00 noon** Questions
      - Constituency Questions (up to 15 Members)
      - General Business (until 5.15 p.m.)
      - At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
      - Government Business
      - At 10.00 p.m.** Adjournment (up to 20 Members)
    3. **Extension of sitting**
      - Standing Order 4.08 applies in relation to any interruption of business in the order of business prescribed above.
- Question — put and agreed to.

- 4 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 6 September 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022*

*Justice Legislation Amendment (Police and Other Matters) Act 2022*

*Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022*

*Mental Health and Wellbeing Act 2022*

*Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Act 2022*

*State Sport Centres Legislation Amendment Act 2022.*

- 5 PETITIONS** —

**INQUIRY INTO THE KNOX CITY COUNCIL 24-HOUR CAT CURFEW** — Mr Atkinson presented a Petition bearing 296 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to conduct an inquiry into the Knox City Council's Order to introduce a 24-hour cat curfew, revoke the 24-hour cat curfew, conduct professional community consultations on the 24-hour curfew, introduce a retrial of the night curfew with results independently assessed and publicly reported, discontinue unverifiable online surveys and review the conduct of Knox City Council Councillors.

Ordered to lie on the Table.

\* \* \* \* \*

**RECREATIONAL FISHING AT BLACKBURN LAKE** — Mr Barton presented a Petition bearing 219 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to deliver an independent and thorough study that investigates the feasibility, long-term sustainability and environmental impacts of introducing fishing at Blackburn Lake.

Ordered to lie on the Table.

\* \* \* \* \*

**INCREASE ANNUAL BUSHFIRE FUEL REDUCTION TARGETS** — Ms Bath presented a Petition bearing 738 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revise its fire prevention policy by increasing the area of fuel reduced annually across Victoria through the use of low intensity burning of at least five per cent of the forested area.

Ordered to lie on the Table.

\* \* \* \* \*

**NOISE MANAGEMENT FOR KANANOOK TRAIN STORAGE FACILITY** — Mr Davis presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to direct the Level Crossing Removal Authority to mitigate the operational noise generated by the Kananook Train Storage Facility in Seaford.

Ordered to lie on the Table.

\* \* \* \* \*

**FAMILY PARK AND MINIATURE RAILWAY FOR GEELONG** — Mr Grimley presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide seed funding for the commencement of the seven-and-a-quarter-inch miniature railway and family park in Geelong and assist the Geelong Miniature Railway with locating a 15 acre site with the support of the City of Greater Geelong Council.

Ordered to lie on the Table.

\* \* \* \* \*

**FUND AND EXPAND THE VICTIMS LEGAL SERVICE** — Mr Grimley presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to expand the funding and service offerings of the Victims Legal Service so that they may represent and appear on behalf of the victim in court, attend conferences between the victim, the Office of Public Prosecution and police, provide legal advice on rights and entitlements, assist with Victims of Crime Assistance Tribunal applications and Victim Impact Statements and provide support when making complaints to investigators, prosecutors and victim support agencies, pursuant to the *Victims' Charter Act 2006*.



Ordered to lie on the Table.

\* \* \* \* \*

**LIFE IMPRISONMENT OF PAUL CHARLES DENYER** — Mr Limbrick presented a Petition bearing 5,406 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that the Frankston serial killer, Paul Charles Denyer, remains in prison for life to prevent further trauma to the people impacted by his crimes from future parole hearings.

Ordered to lie on the Table.

\* \* \* \* \*

**LOCAL SECONDARY SCHOOL FOR MOOROOPNA** — Ms Lovell presented a Petition bearing 1,047 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure a high quality and high equity local high school in Mooropna is opened as soon as possible and, as a matter of urgency, investigate all structural and safety issues, survey all school assets and subject dedicated spaces, gardens and sporting facilities, and draw up and fund a master plan informed by the Yorta Yorta Nation, with capital works investment to follow.

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.

\* \* \* \* \*

**REJECT PROPOSAL FOR LIQUEFIED NATURAL GAS IMPORT TERMINAL AT CORIO BAY** — Mr Meddick presented a Petition bearing 2,657 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject Viva Energy's application to implement their proposed liquefied natural gas import terminal at Corio Bay in Geelong.

Ordered to lie on the Table.

\* \* \* \* \*

**CAPITAL WORKS FUNDING FOR COBURG HIGH SCHOOL** — Ms Patten presented a Petition bearing 2,048 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently commit capital works funding for Coburg High School so they may create adequate facilities that will meet the learning needs of current and future students.

Ordered to lie on the Table.

\* \* \* \* \*

**ALLOW THE USE OF GEL BLASTERS** — Mr Quilty presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Police to legalise the use of gel blasters.

Ordered to lie on the Table.

\* \* \* \* \*

**IMMEDIATELY CEASE LOGGING** — Dr Ratnam presented a Petition bearing 2,477 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately close VicForests, stop all logging and bring forward, for immediate effect, the schemes to assist and retrain all employees affected by the closure.

Ordered to lie on the Table.

\* \* \* \* \*

**REDUCE THE NOISE POLLUTION FROM TRAIN HORNS** — Dr Ratnam presented a Petition bearing 1,073 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reduce the noise pollution caused by excessive use of train horns by providing fencing along railway tracks or alternative means for safety.

Ordered to lie on the Table.

\* \* \* \* \*

**REVISE THE LAWS ON DOG TETHERING** — Dr Ratnam presented a Petition bearing 401 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the *Prevention of Cruelty to Animals Act 1986* to prohibit prolonged,

unsupervised confinement and tethering of a dog and allow tethering for short, supervised durations only.

Ordered to lie on the Table.

\* \* \* \* \*

**MANDATORY PHONICS SCREENING CHECK FOR YEAR 1 STUDENTS** — Ms Terpstra presented a Petition bearing 1,915 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Education and Training to invest in the future of Victorian children by mandating the Phonics Screening Check for Year 1 students in all Victorian schools.

Ordered to lie on the Table.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 13 of 2022 (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.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PRIVILEGES COMMITTEE — REVIEW OF THE ONGOING RESOLUTION ON THE PARLIAMENTARY INTEGRITY ADVISER** — Pursuant to Standing Order 23.29, Ms Shing laid on the Table a joint Report of the Assembly and Council Privileges Committees on the Review of the Ongoing Resolution on the Parliamentary Integrity Adviser (including an Appendix).

Ordered to be published.

Ms Shing moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**PROCEDURE COMMITTEE — STANDING ORDERS REVIEW 2022** — Pursuant to Standing Order 23.29, Ms Lovell laid on the Table a Report from the Procedure Committee on their Standing Orders review 2022 (including Appendices).

Ordered to be published.

Ms Lovell moved, That the Council take note of the Report.

Question — put and agreed to.

Ms Symes moved, by leave, That Standing Order 5.08(g) be suspended and instead a motion be moved during Government Business to consider the recommendation of the Procedure Committee to adopt the draft Standing Orders contained in their Standing Orders review 2022 report.

Question — put and agreed to.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO A FORMER YOUTH WORKER'S UNAUTHORISED ACCESS TO PRIVATE INFORMATION ABOUT CHILDREN** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 14 September 2022, the Clerk laid on the Table a copy of the Ombudsman's Report on their Investigation into a former youth worker's unauthorised access to private information about children.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Audit Act 1994 — Financial Audit of the Victorian Auditor-General's Office, year ended 30 June 2022, under section 81(4) of the Act.

Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2020, under section 52 of the Act.

Health Complaints Commissioner — Report, 2021-22.

- Independent Broad-based Anti-corruption Commission — Annual Plan, 2022-23.  
Members of Parliament (Standards) Act 1978 — Register of Interests —  
Return submitted by a Member of the Legislative Council — Primary Return,  
14 September 2022 (*Ordered to be published*).  
Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July  
2022 (*Ordered to be published*).
- Office of the Victorian Information Commissioner (OVIC) — Report, 2021-22.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to  
planning schemes —  
Boroondara Planning Scheme — Amendment C353 (Part 2).  
Campaspe Planning Scheme — Amendment C117.  
Colac Otway Planning Scheme — Amendment C116.  
East Gippsland Planning Scheme — Amendment C164.  
Golden Plains Planning Scheme — Amendment C99.  
Greater Bendigo Planning Scheme — Amendment C254.  
Greater Geelong Planning Scheme — Amendment C437.  
Latrobe Planning Scheme — Amendment C133.  
Manningham Planning Scheme — Amendment C127.  
Mansfield Planning Scheme — Amendment C51 (Part 1).  
Melbourne Planning Scheme — Amendments C387 and C428.  
Moreland Planning Scheme — Amendments C195 and C224.  
South Gippsland Planning Scheme — Amendment C125.  
Surf Coast Planning Scheme — Amendment C140.  
Victoria Planning Provisions — Amendment VC225.  
Warrnambool Planning Scheme — Amendment C210.  
Whitehorse Planning Scheme — Amendment C231.
- Regional Development Victoria — Report, 2021-22.
- Statutory Rules under the following Acts of Parliament —  
Domestic Animals Act 1994 — No. 74.  
Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment  
(Reform) Act 2019 — No. 71.  
Forests Act 1958 — No. 76.  
Livestock Management Act 2010 — No. 70.  
Public Health and Wellbeing Act 2008 — Nos. 72 and 73.  
Subordinate Legislation Act 1994 — No. 75.
- Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 71 to 73, 75, 76 and 78  
to 80.  
Legislative instruments and related documents under section 16B in respect of a Notice  
appointing 22 September 2022 as an additional public holiday, under section 7(1)(a) of  
the Public Holidays Act 1993.
- Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian  
Environmental Assessment Council for an assessment of early government-accepted  
Land Conservation Council recommendations, under section 26C of the Act.
- Victorian Government Purchasing Board — Report, 2021-22.
- Victorian Local Government Grants Commission — Allocation Report, year ended  
31 August 2022.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect  
of the following Acts were laid on the Table by the Clerk:

- Justice Legislation Amendment (Fines Reform and Other Matters) Act 2022 — Sections 32,  
35, 36(2), 37A, 38, 39, 41, 42, 99, 102, 105 and 109 — 6 September 2022 (*Gazette No.*  
*S456, 6 September 2022*).
- Public Health and Wellbeing Amendment (Pandemic Management) Act 2021 — Remaining  
provisions — 30 August 2022 — (*Gazette No. S438, 30 August 2022*).

Workplace Safety Legislation and Other Matters Amendment Act 2022 — Part 5 —  
1 September 2022 (*Gazette No. S439, 30 August 2022*).

- 7 PRODUCTION OF DOCUMENTS — SUPERVISED INJECTING ROOM** — The Clerk laid on the Table a letter from the Attorney-General, dated 16 September 2022, in response to the Resolution of the Council of 19 August 2022 (on the motion of Ms Crozier), relating to a supervised injecting room, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.
- 8 BUSINESS OF THE COUNCIL** — Mr Grimley moved, by leave, That precedence be given to the following General Business on Wednesday, 21 September 2022 —
- (1) notice of motion given this day by Mr Davis on the failings of the Emergency Services Telecommunications Authority's triple zero call-taking system;
  - (2) notice of motion given this day by Mr Davis on outstanding production of documents orders;
  - (3) Notice of Motion No. 850 standing in the name of Mr Davis referring a matter relating to the impact of COVID-19 lockdowns on children's health to the Legal and Social Issues Committee;
  - (4) notice of motion given this day by Mr Davis on fuel and excise concessions;
  - (5) Order of the Day No. 2, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022;
  - (6) Order of the Day No. 4, resumption of debate on the second reading of the Land Amendment (Accessing Licensed Water Frontages) Bill 2022;
  - (7) notice of motion given this day by Mr Grimley on dealing with child sexual abuse complaints;
  - (8) notice of motion given this day by Mr Grimley on foster care;
  - (9) Order of the Day No. 5, resumption of debate on the second reading of the Energy Legislation Amendment (Transition from Coal) Bill 2022;
  - (10) notice of motion given this day by Dr Ratnam on Maroondah Hospital; and
  - (11) notice of motion given this day by Mr Somyurek on the Office of the United Nations High Commissioner for Human Rights' Report on human rights concerns in the People's Republic of China.

Question — put and agreed to.

- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 730, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.
- 11 CASINO LEGISLATION AMENDMENT (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.
- Amendments proposed to be moved in Committee by Dr Cumming, Dr Ratnam and Mr Rich-Phillips were circulated.
- Question — put and agreed to.
- Bill read a second time.
- Business having been interrupted at 12.00 noon pursuant to an Order of the Council earlier this day —*
- 12 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Inquiry into the use of cannabis in Victoria – Government response** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Monday, 26 September 2022.
- **Commercial passenger vehicle industry reforms** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Monday, 26 September 2022.
- **Sunbury and Bulla waste management** — substantive and supplementary questions asked by Mr Finn — response from Mr Leane due Monday, 26 September 2022.
- **Foster carers support** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 26 September 2022.
- **Parks Victoria regulations** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Monday, 26 September 2022.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**14 CASINO LEGISLATION AMENDMENT (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022** — Bill committed to a Committee of the whole.

House in Committee

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

**15 MONITORING OF PLACES OF DETENTION BY THE UNITED NATIONS SUBCOMMITTEE ON PREVENTION OF TORTURE (OPCAT) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 2

Dr Cumming; Mr Finn.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question 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.

**16 MAJOR CRIME AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2022** — 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.

**17 EARLY CHILDHOOD LEGISLATION AMENDMENT BILL 2022** — 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.

**18 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 12, be postponed until later this day.

**19 STANDING ORDERS — PROCEDURE COMMITTEE'S DRAFT STANDING ORDERS** — Ms Symes moved, by leave, That —

- (1) the draft Standing Orders, recommended by the Procedure Committee in its Standing Orders review 2022, September 2022, be adopted as the Standing Orders of the Legislative Council;
- (2) the new Standing Orders come into operation on the first sitting day of the next Parliament; and
- (3) the temporary order agreed to on 2 February 2021 and amended on 4 May 2021 relating to Tuesdays start time be rescinded, effective immediately.

Debate ensued.

Question — put and agreed to.

**20 STANDING ORDERS — ACKNOWLEDGEMENT OF COUNTRY** — Ms Symes moved, by leave, That the following changes to Standing Orders take effect from the 60<sup>th</sup> Parliament —

- (1) **Omit** Standing Order 1.01(10) and **substitute**:  
“The Council proceeds to the election of a President, following which the President takes the Chair, reads the Lord’s Prayer and makes an Acknowledgement of Country.”.
- (2) **Omit** Standing Order 1.07(5) and **substitute**:  
“The President will then take the Chair, read the Lord’s Prayer and make an Acknowledgement of Country.”.
- (3) **Omit** Standing Order 4.02 and **substitute**:  
**“President takes Chair when quorum present**  
The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum\* of members is present, and will read the Lord’s Prayer and make an Acknowledgement of Country.  
\*To constitute a quorum there must be present (inclusive of the President) one-third at least of the members of the Council [See section 32(1) of the *Constitution Act 1975*”.
- (4) **Omit** Standing Order 4.05(1) and **substitute**:  
“The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum of members is present, and the President, or a local religious leader, will read the Lord’s Prayer and the President will make an Acknowledgement of Country.”.

Debate ensued.

Question — put and agreed to.

**21 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 178 — Wednesday, 21 September 2022

**1** The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PETITIONS** —

**CRIMINALISE CONSULTANT SERVICES FOR LEGISLATIVE COUNCIL PREFERENCE DEALS** — Mr Atkinson presented a Petition bearing 358 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce legislation that will criminalise the exchange of consultant goods and services, including by persons in

taxpayer-funded positions of employment, in relation to preferencing deals for Legislative Council elections (also known as 'preference harvesting'), with a minimum penalty of \$400,000 or up to 12 months imprisonment for unlawful behaviour, and in the interest of transparency, require Group Voting Tickets (GVTs) to be submitted to the Victorian Electoral Commission no less than four weeks prior to election day, with all individual candidates and parties to print their GVTs on the reverse of their how-to-vote cards.

Ordered to lie on the Table.

\* \* \* \* \*

**REMOVE THE LYNDOCH LIVING BOARD** — Mrs McArthur presented a Petition bearing 2,234 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to, in consultation with the Federal Government, take all possible steps to have the Board of Lyndoch Living removed and to appoint an administrator until a new board can be appointed through a public call for nominations.

Ordered to lie on the Table.

### 3 PAPERS —

**2021-22 SUSTAINABILITY FUND ACTIVITIES REPORT** — Mr Leane moved, by leave, That there be laid before this House a copy of the 2021-22 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT, 2021 AND VICTORIAN 2021 CLOSING THE GAP DATA TABLES** — Mr Leane moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2021 and the Victorian 2021 Closing the Gap Data Tables.

Question — put and agreed to.

The Reports were presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE MULTI PURPOSE TAXI PROGRAM** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Report on the Inquiry into the Multi Purpose Taxi Program.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY ACT 2017 REFORMS** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Report on the Inquiry into the *Commercial Passenger Vehicle Industry Act 2017* reforms.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — under section 43 of the Act —

Advancing the Victorian Treaty Process — Report, 2021-22.

First Peoples' Assembly of Victoria — Report, 2022.

Auditor-General's Office — Report, 2021-22.

Auditor-General's Reports on —

Follow-up of Maintaining the Mental Health of Child Protection Practitioners, September 2022 (*Ordered to be published*).

Major Projects Performance Reporting 2022, September 2022 (*Ordered to be published*).

Quality of Child Protection Data, September 2022 (*Ordered to be published*).

Quality of Major Transport Infrastructure Project Business Cases, September 2022 (*Ordered to be published*).

Eastern Health — Report, 2021-22.

Education and Training Department — Report, 2021-22.  
 Environment, Land, Water and Planning Department — Report, 2021-22.  
 Families, Fairness and Housing Department — Report, 2021-22.  
 Goulburn-Murray Rural Water Corporation — Report, 2021-22.  
 Greater Western Water Corporation — Report, 2021-22.  
 Health Department — Report, 2021-22.  
 Justice and Community Safety Department — Report, 2021-22.  
 Local Jobs First — Report, 2021-22.  
 Melbourne Health (The Royal Melbourne Hospital) — Report, 2021-22.  
 Melbourne Port Lessor Pty Ltd — Report, 2021-22.  
 Melbourne Water Corporation — Report, 2021-22.  
 Monash Health — Report, 2021-22.  
 National Gallery of Victoria (NGV) — Report, 2021-22.  
 Occupational Health and Safety Act 2004 — Report of requests for the approval of persons or bodies by the Governor in Council, 2021-22, under section 11 of the Act.  
 Parliamentary Committees Act 2003 — Government responses to the Public Accounts and Estimates Committee's Reports on the —  
     2020-21 Financial and Performance Outcomes.  
     Inquiry into Gender Responsive Budgeting.  
 Premier and Cabinet Department — Report, 2021-22.  
 Prevention of Family Violence Act 2018 — Respect Victoria — Progress on Preventing Family Violence and Violence Against Women in Victoria: First Three-Yearly Report to Parliament, September 2022, under section 15(4) of the Act.  
 Public Record Office Victoria (PROV) — Report, 2021-22.  
 Respect Victoria — Report, 2021-22.  
 Rolling Stock Holdings (Victoria) Pty Limited — Report, 2021-22.  
 South East Water Corporation — Report, 2021-22.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 83, 84 and 87.  
 Surveyor-General — Report, 2021-22 on the administration of the Survey Co-ordination Act 1958.  
 Terrorism (Community Protection) Act 2003 — Report, 2021-22, by Victoria Police, under section 37F of the Act.  
 The Royal Children's Hospital — Report, 2021-22.  
 Transport Accident Commission (TAC) — Report, 2021-22.  
 Transport Department — Report, 2021-22.  
 Treasury Corporation of Victoria — Report, 2021-22.  
 Victoria Police — Report, 2021-22.  
 Victorian Gambling and Casino Control Commission — Report, 2021-22.  
 Victorian Law Reform Commission — Stalking — Final Report, June 2022 (*Ordered to be published*).  
 Victorian Managed Insurance Authority (VMIA) — Report, 2021-22.  
 Victorian Rail Track (VicTrack) — Report, 2021-22.  
 Victorian Veterans Council — Report, 2021-22.  
 Victorian WorkCover Authority (WorkSafe Victoria) — Report, 2021-22.  
 Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board — Report of operations, 2021-22.  
 Yarra Valley Water Corporation — Report, 2021-22.

**4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

Debate ensued.

Mr Davis moved, as amendments —

1. **Omit** all words and expressions after “adjourn” and **insert** in their place —



“until Wednesday, 19 October 2022 and that Standing and Sessional Orders be suspended to the extent necessary to allow the order of business on that day to be —

Messages

Formal Business

Members’ Statements (up to 15 Members)

General Business

**At 12 noon** Questions

Constituency Questions

General Business (until 5.15 p.m.)

**At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 2 hours)

**At 7.45 p.m.** Adjournment (up to 20 Members).”.

2. At the end of the motion, **omit** “.” and **insert** in its place —

“; and that Standing and Sessional Orders be suspended to the extent necessary to provide that for the remainder of this Session —

(1) Where an Act of Parliament requires a document to be tabled and the document is received by the Clerk in a week in which the House is not sitting, the Clerk must —

(a) by 4.00 p.m. each Friday in a non-sitting week, notify each member of the House of the receipt of documents received by 10.00 a.m. that day and advise that the documents are available in the tabled documents database;

(b) cause the document to be tabled in the House on the next sitting day;

(c) publish a register on the Parliament’s website each Friday that lists —

(i) how many and the names of the annual reports for the 2021-22 financial year that have been published in the tabled documents database under this paragraph; and

(ii) the total number of annual reports for the 2020-21 financial year that were tabled in the Council in 2021.

(2) If received by the Clerk under paragraph (1), the House orders reports from the following agencies to be published if so requested by those agencies:

Auditor-General

Commission for Children and Young People

Commissioner for Privacy and Data Protection

Consumer Affairs Victoria

Equal Opportunity and Human Rights Commission

Family Violence Reform Implementation Monitor

Gambling and Lotteries Licence Review Panel

Independent Broad-based Anti-corruption Commission

Law Reform Commission

Ombudsman

Parliamentary committees

Victorian Inspectorate.

(3) If received by the Clerk under paragraph (1), the House orders the following reports to be published:

Annual Financial Report of the State of Victoria

Reports of Boards of Inquiry and Royal Commissions under the *Inquiries Act 2014*

Community Visitors’ annual reports

Compliance Officer’s statements of findings

Legal Services Commissioner’s annual reports

Parliamentary Budget Officer’s Report of Operations under section 27 of the *Parliamentary Budget Officer Act 2017*

Public Advocate’s annual reports

Registers of Members’ Interests

Small Business Commissioner’s annual reports.”.

Debate continued.

Question — That Amendment No. 1 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips; Mr Somyurek; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

Question — That Amendment No. 2 moved by Mr Davis be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly; and that Standing and Sessional Orders be suspended to the extent necessary to provide that for the remainder of this Session —

- (1) Where an Act of Parliament requires a document to be tabled and the document is received by the Clerk in a week in which the House is not sitting, the Clerk must —
  - (a) by 4.00 p.m. each Friday in a non-sitting week, notify each member of the House of the receipt of documents received by 10.00 a.m. that day and advise that the documents are available in the tabled documents database;
  - (b) cause the document to be tabled in the House on the next sitting day;
  - (c) publish a register on the Parliament's website each Friday that lists —
    - (i) how many and the names of the annual reports for the 2021-22 financial year that have been published in the tabled documents database under this paragraph; and
    - (ii) the total number of annual reports for the 2020-21 financial year that were tabled in the Council in 2021.
- (2) If received by the Clerk under paragraph (1), the House orders reports from the following agencies to be published if so requested by those agencies:
  - Auditor-General
  - Commission for Children and Young People
  - Commissioner for Privacy and Data Protection
  - Consumer Affairs Victoria
  - Equal Opportunity and Human Rights Commission
  - Family Violence Reform Implementation Monitor
  - Gambling and Lotteries Licence Review Panel
  - Independent Broad-based Anti-corruption Commission
  - Law Reform Commission
  - Ombudsman
  - Parliamentary committees
  - Victorian Inspectorate.
- (3) If received by the Clerk under paragraph (1), the House orders the following reports to be published:
  - Annual Financial Report of the State of Victoria
  - Reports of Boards of Inquiry and Royal Commissions under the *Inquiries Act 2014*
  - Community Visitors' annual reports
  - Compliance Officer's statements of findings
  - Legal Services Commissioner's annual reports
  - Parliamentary Budget Officer's Report of Operations under section 27 of the *Parliamentary Budget Officer Act 2017*
  - Public Advocate's annual reports
  - Registers of Members' Interests

Small Business Commissioner's annual reports  
— put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**6 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY'S TRIPLE ZERO CALL-TAKING SYSTEM** — Mr Davis moved, That —

(1) this House notes that —

- (a) the Inspector-General of Emergency Management's report on the performance and serious failings of the triple zero service conducted by the Emergency Services Telecommunications Authority (ESTA), titled *Review of Victoria's emergency ambulance call answer performance*, was released publicly on Saturday, 3 September 2022, even though it was available to the Government earlier;
- (b) up to 33 deaths are linked to the failings of the ESTA call-taking system during the recent crisis in triple zero call-taking and these incidents, as well as others, could have been prevented had timely action been taken by the Andrews Labor Government;
- (c) the Andrews Labor Government ignored warnings from 2015 and 2016 that pointed to clear failings in the ESTA triple zero call service and clearly identified risks to the ability of ESTA to manage periods of increased service call demand, including a need for a secure and reliable funding base;
- (d) the Minister for Emergency Services, the Hon Jaclyn Symes MLC, failed to act immediately upon becoming aware of the failings of the ESTA service to ensure it had an immediate injection of sufficient funding and other necessary support to enable it to adequately deliver lifesaving services; and

(2) the House has consequently lost confidence in the Minister for Emergency Services.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 20 September 2022 —*

**7 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

\* \* \* \* \*

**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:

- **Pandemic information** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Tuesday, 27 September 2022.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

**9 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY'S TRIPLE ZERO CALL-TAKING SYSTEM** — Debate continued on the question, That —

(1) this House notes that —

- (a) the Inspector-General of Emergency Management's report on the performance and serious failings of the triple zero service conducted by the Emergency Services Telecommunications Authority (ESTA), titled *Review of Victoria's emergency ambulance call answer performance*, was released publicly on Saturday, 3 September 2022, even though it was available to the Government earlier;
- (b) up to 33 deaths are linked to the failings of the ESTA call-taking system during the recent crisis in triple zero call-taking and these incidents, as well as others, could have been prevented had timely action been taken by the Andrews Labor Government;
- (c) the Andrews Labor Government ignored warnings from 2015 and 2016 that pointed to clear failings in the ESTA triple zero call service and clearly identified risks to the ability of ESTA to manage periods of increased service call demand, including a need for a secure and reliable funding base;

(d) the Minister for Emergency Services, the Hon Jaclyn Symes MLC, failed to act immediately upon becoming aware of the failings of the ESTA service to ensure it had an immediate injection of sufficient funding and other necessary support to enable it to adequately deliver lifesaving services; and

(2) the House has consequently lost confidence in the Minister for Emergency Services.

Question — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Rich-Phillips; Ms Vaghela.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negatived.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 864 to 861 and Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.

**11 DEALING WITH CHILD SEXUAL ABUSE COMPLAINTS** — Mr Grimley moved, That this House —

(1) notes that —

(a) child sexual abuse occurred extensively within government institutions, notably in schools between the 1960s and 1990s;

(b) the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) heard evidence of abuse that took place in Victorian Government institutions, even though it was heavily focused on religious institutions;

(c) since the Royal Commission's conclusion, more victim-survivors have come forward to share their story and some have sued or are suing the Government for sexual abuse suffered in schools;

(d) the National Redress Scheme has received 1,639 applications in relation to abuse that took place in Victorian Government institutions and of these applicants, 318 have successfully claimed redress for abuse that took place in education facilities and this number is in addition to the many survivors who have sued the Department of Education and Training;

(e) of the survivors who are suing, many endure breaches of the Model Litigant Guidelines (MLG) and the Common Guiding Principles (CGP) by the State Government as the defendant;

(2) calls on the Premier to publicly apologise to victim-survivors on behalf of successive Victorian Governments before the state election;

(3) calls on the Government to immediately begin complying with its own MLG and CGP when dealing with child sexual abuse complaints, such as that it —

(a) acts fairly, consistently and without unnecessary delay; and

(b) avoids litigation.

Debate ensued.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 862, be postponed until later this day.

**13 ENERGY LEGISLATION AMENDMENT (TRANSITION FROM COAL) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Limbrick, the debate was adjourned until later this day.

**14 MAROONDAH HOSPITAL** — Dr Ratnam moved, That this House —

- (1) notes that Maroondah Hospital is named using the Woiwurrung language and is one of very few public places in Victoria using First Nations language for naming conventions;
  - (2) further notes that 'Maroondah' means 'throwing' and 'Maroon' means 'leaves';
  - (3) condemns the Government for its proposal to change the name of Maroondah Hospital to the Queen Elizabeth II Hospital, thus erasing First Nations language;
- and calls on the Government to reverse its decision and retain Woiwurrung language in the naming of Maroondah Hospital.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 20 September 2022, the debate stood adjourned in the name of Ms Taylor.*

**15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.**16 MR ANDREW YOUNG, CLERK OF THE LEGISLATIVE COUNCIL** — Ms Symes moved, by leave, That this House notes —

- (1) the recent announcement that Mr Andrew Young will resign from the Offices of Clerk of the Legislative Council and Clerk of the Parliaments and as the trusted adviser to the President and Members of the Legislative Council;
  - (2) that Mr Young commenced his service to the Victorian Parliament with the Legislative Council in May 2005 and has served as Clerk of the Legislative Council since July 2014 and the Clerk of the Parliaments since August 2017;
- and places on record its deep appreciation of the long and valuable services rendered by him to the Parliament and the State of Victoria.

Debate ensued.

Question — put and agreed to.

**17 DISABILITY AMENDMENT BILL 2022** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 in relation to the Secretary's functions, the sharing of information, residential services, restrictive practices, compulsory treatment and other related matters, to amend the Residential Tenancies Act 1997 in relation to SDA enrolled dwellings, to amend the Disability Service Safeguards Act 2018 in relation to registration requirements, to make consequential amendments to other Acts, and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**18 RACING AMENDMENT (UNAUTHORISED ACCESS) BILL 2022** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to prohibit unauthorised access to certain areas of racecourses during race meetings and official trial meetings and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**19 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 8.51 p.m., adjourned until a day and hour to be fixed by the President.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 177 and 178

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### CASINO LEGISLATION (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022

*Committed Tuesday, 20 September 2022*

*Amendments circulated: Dr Cumming (p. 1333), Dr Ratnam (pp. 1333-4) and Mr Rich-Phillips (p. 1334)*

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 20

Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr McIntosh; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 6 — put and agreed to.

**Clauses 7 to 12** — put and agreed to.

**Clause 13** — no question put pursuant to Standing Order 14.15(2).

**Clauses 14 to 51** — put and agreed to.

**Clause 52** — Dr Cumming moved Amendment Nos. 1 and 2.

Question — That the amendments 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.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

NOES, 30

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr McIntosh; Mr Melhem; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

*(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)*

Question negated.

Clause 52 — put and agreed to.

**Clauses 53 to 68** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. CASINO LEGISLATION (ROYAL COMMISSION IMPLEMENTATION AND OTHER MATTERS) BILL 2022***Amendments circulated by Dr Cumming*

1. Clause 52, page 54, line 15, after "Subsections" insert "(1),".
2. Clause 52, page 54, line 22, after "subsections" insert "(1),".

**NEW CLAUSE**

3. Insert the following New Clause to follow clause 59—

**'59A New section 3.8A.10A inserted**

After section 3.8A.10 of the **Gaming Regulation Act 2003** insert—

**"3.8A.10A Mandatory pre-commitment**

- (1) This section applies—
    - (a) on and after 1 December 2025; or
    - (b) the earlier day declared by the Minister under subsection (3).
  - (2) A venue operator must not allow a person ordinarily resident in Australia to play a game on a gaming machine in an approved venue unless—
    - (a) an account has been established for the person for the purposes of the pre-commitment system; and
    - (b) the pre-commitment system sets the following limit or limits, or requires the person to set the following limit or limits—
      - (i) not more than \$100 or the prescribed amount in any 24 hour period; or
      - (ii) not more than \$500 or the prescribed amount in any one month period; or
      - (iii) not more than \$5000 in any 1 year period unless the person demonstrates to the venue operator that a greater amount will not cause the person undue financial hardship.
- Penalty: 120 penalty units.
- (3) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section applies.
  - (4) The Minister may declare different days in relation to different types of games or different types of gaming machines."

*Amendments circulated by Dr Ratnam*

1. Clause 52, page 54, line 15, after "Subsections" insert "(1),".
2. Clause 52, page 54, line 22, after "subsections" insert "(1),".

**NEW CLAUSE**

3. Insert the following New Clause to follow clause 59—

**'59A New section 3.8A.13A inserted**

After section 3.8A.13 of the **Gambling Regulation Act 2003** insert—

**"3.8A.13A Mandatory pre-commitment**

- (1) This section applies on and after 1 December 2025 or the earlier day declared by the Minister under subsection (3).
- (2) A venue operator must not allow a person ordinarily resident in Australia to play a game on a gaming machine in the approved venue unless—
  - (a) an account has been established for the person for the purposes of the pre-commitment system; and
  - (b) the pre-commitment system sets a limit or limits, or requires the person to set a limit or limits, in accordance with the regulations.

Penalty: 120 penalty units.

- (3) The Minister, by notice published in the Government Gazette, may declare a day earlier than 1 December 2025 on and after which this section applies.
- (4) The Minister may declare different days in relation to different types of games or different types of gaming machines.

**Note**

Section 62C of the **Casino Control Act 1991** contains similar provisions for mandatory pre-commitment in relation to a casino operator."

**Amendments circulated by Mr Rich-Phillips**

1. Clause 6, after line 32 insert—

'(4) For section 36G(4) of the **Casino Control Act 1991** substitute—

"(4) The Minister must cause a copy of each report given to the Minister under this section to be presented to each House of the Parliament within 7 days after receiving the report or, if a House is not then sitting, on the first sitting day of that House after that period."

- (5) In section 36G(5) of the **Casino Control Act 1991**, after "or the" insert "publication or".'