



# 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.

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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:

- **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.

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**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.

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**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.

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**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.

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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 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.

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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 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.

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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:

- **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 Tarlamis; Ms Taylor; Ms 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.

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**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.

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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:

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.

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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:

- **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.**

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**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 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 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 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; 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.**

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## **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



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".

