



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 83 — Tuesday, 24 November 2020

Proof Version

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- 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 SHORTAGE — Ms Symes having given answers to a question without notice and supplementary question relating to seasonal agricultural worker shortage —

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.

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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.

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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.

Question — put and agreed to.

- 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 (two sets) 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