



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 59

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) 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) 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) 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.

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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, 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.

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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.

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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.

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

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.

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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.

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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."

NEW CLAUSE

3. 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."

