



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 56, 57 and 58

No. 56 — Tuesday, 17 March 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Road Safety and Other Legislation Amendment Act 2020.

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

COVID-19 SMALL BUSINESS STIMULUS PACKAGE — Mr Somyurek having given answers to a question without notice and supplementary question relating to COVID-19 small business stimulus package —

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

QUESTIONS — Questions without notice and Ministers' Statements continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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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:

- **COVID-19 testing kits** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 19 March 2020.
- **COVID-19 impact on housing and homelessness** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Thursday, 19 March 2020.
- **Average waiting time for COVID-19 testing** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 18 March 2020.

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

- 5 **PAPERS** —

WHITTLESEA CITY COUNCIL MUNICIPAL MONITOR'S REPORT — Mr Somyurek moved, by leave, That there be laid before this House a copy of the Municipal Monitor's Report on the Governance and Operations of the Whittlesea City Council, March 2020.

Question — put and agreed to.

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Patten presented Alert Digest No. 4 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

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MID-YEAR FINANCIAL REPORT 2019-20 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2019-20 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2020.

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

Crown Land (Reserves) Act 1978 — Minister's Order of 19 November 2019 giving approval to the granting of a lease at Mt Buninyong Scenic Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 116/2019 (*Gazette No. S118, 11 March 2020*).

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 February 2020 (*Ordered to be published*).

Public Health and Wellbeing Act 2008 — Report to Parliament on the Declaration of a State of Emergency, pursuant to section 198(8) of the Act.

Statutory Rules under the following Acts of Parliament —
County Court Act 1958 — No. 16.

Drugs, Poisons and Controlled Substances Act 1981 — No. 15.

Members of Parliament (Standards) Act 1978 — No. 17.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 13 to 16.

Legislative instruments and related documents under section 16B in respect of the Identity Verification Standards of 18 February 2020, under the Service Victoria Act 2018.

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

Environment Protection Amendment Act 2018 — Remaining Provisions — 1 July 2020 (*Gazette No. S104, 3 March 2020*).

Land (Revocation of Reservations) Act 2019 — Whole Act — 17 March 2020 (*Gazette No. S122, 11 March 2020*).

6 BUSINESS OF THE COUNCIL — Mr Quilty moved, by leave, That precedence be given to the following General Business on Wednesday, 18 March 2020 —

- (1) Notice of Motion No. 282, in an amended form, standing in the name of Mr Bourman in relation to water trading declarations;
- (2) Notice of Motion No. 250, standing in the name of Mr Bourman in relation to the production of certain documents relating to duck hunting;
- (3) the notice of motion given this day by Mr Quilty in relation to the Independent Broad-based Anti-corruption Commission;
- (4) the notice of motion given this day by Mr Quilty in relation to the reduced health impacts of vaping;
- (5) the notice of motion given this day by Mr Davis in relation to contaminated soil from the West Gate Tunnel Project; and
- (6) the notice of motion given this day by Mr Rich-Phillips in relation to the State Budget.

Question — put and agreed to.

7 BUSINESS OF THE COUNCIL — Mr Jennings moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 18 March 2020 the Order of Business will be —

Messages
 Formal Business
 Members' Statements (up to 15 Members)
 General Business
 At **12 noon** Questions
 Answers to Questions on Notice
 General Business (continues)
 At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
 Dr Bach's Inaugural Speech
 Government Business (60 minutes)
 Adjournment (up to 20 Members).

Question — put and agreed to.

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

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 276, and Order of the Day, Government Business, No. 1, be postponed until later this day.

10 HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

11 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020 — The Acting President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Whittlesea City Council and to provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Somyurek), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

12 LOCAL GOVERNMENT BILL 2019 — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

13 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Philips were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Dr Cumming; Mr Erdogan; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(Tellers: Mr Meddick and Ms Vaghela)

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Quilty; Mr Rich-Phillips.
(Tellers: Ms Bath and Mr Finn)

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

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

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

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Dr Cumming; Mr Erdogan; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(*Tellers: Dr Cumming and Mr Erdogan*)

NOES, 13

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.
(*Tellers: Mr Grimley and Mr Ondarchie*)

Question agreed to.

Bill read a third time.

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

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

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

And then the Council, at 6.47 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 57 — Wednesday, 18 March 2020

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

2 **PETITIONS** —

REJECT PLANNING AMENDMENTS TO TYABB AIRPORT — Mr Finn (for Ms Bath) presented a Petition bearing 5,470 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to reject Mornington Peninsula Shire Council's application to amend the Mornington Peninsula Planning Scheme as it imposes unworkable and invalid operating restrictions on Tyabb Airport.

Ordered to lie on the Table.

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REVIEW OF BUS ROUTES IN TARNEIT ELECTORATE — Dr Cumming presented a Petition bearing 330 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise pedestrian safety, review existing bus routes in Tarneit and increase their frequency to every 15 to 20 minutes and prioritise new bus routes to and from Tarneit Train Station, especially for estates that have experienced large population growth.

Ordered to lie on the Table.

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INTERSECTIONS ON CHILDS ROAD, MILL PARK — Mr Ondarchie presented a Petition bearing 151 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rule out any raised intersections and raised safety platforms on any of the new intersections to be built on Childs Road in Mill Park.

Ordered to lie on the Table.

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

Auditor-General's Reports on —

Freight Outcomes from Regional Rail Upgrades, March 2020 (*Ordered to be published*).

Managing Development Contributions, March 2020 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the Implementation of environmental management systems in Victorian Government 2018-19.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 130/2019 (*Gazette No. G10, 12 March 2020*).

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

5 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE — The Clerk laid on the Table a letter from the Attorney-General, dated 17 March 2020, in response to the Resolution of the Council of 4 March 2020, relating to the Melbourne Airport Rail Link Strategic Business Case, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

6 WATER TRADING DECLARATIONS — Mr Bourman moved, That this House notes that —

(1) Members of Parliament are currently not required to declare any interest in water shares or water trading, and that Members of Parliament should without delay, declare any and all interests in water trading in, but not limited to the Murray Darling Basin Plan;

(2) Government bureaucrats involved in any matters relating to water should immediately declare any and all interests in the water market that they themselves or any related entity holds;

and calls on all Victorian Members of both state and federal Parliaments to declare their interests in the water market.

Debate ensued.

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

Question — put and agreed to.

7 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 250, be postponed until later this day.

8 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — Mr Quilty moved, That this House —

(1) notes —

(a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;

(b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;

(c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;

(d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;

(e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —

(i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;

(ii) 18 per cent thought they could lose their job;

(iii) only 38 per cent thought meaningful action would occur;

(iv) eight per cent believe corruption occurs in their workplace;

- (f) that IBAC's *Audit of Victoria Police complaints handling systems at regional level* found that —
- (i) 16 per cent of police complainants were not contacted by internal investigating officers;
 - (ii) 34 per cent of witnesses were not contacted;
 - (iii) in 17 per cent of cases, relevant evidence was not considered;
- (2) calls on the Government to —
- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
 - (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Debate ensued.

Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 17 March 2020 —

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

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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:

- **COVID-19 – assistance to small business** — substantive and supplementary questions asked by Mr Davis — response from Mr Somyurek due Thursday, 19 March 2020.
- **Multipurpose taxi program** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 20 March 2020.
- **Egg supply for vaccines** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 19 March 2020.
- **COVID-19 – health warnings on use of anti-inflammatory drugs** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 19 March 2020.

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

11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — Debate continued on the question, That this House —

- (1) notes —
- (a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;
 - (b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;
 - (c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;
 - (d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;
 - (e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —
 - (i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;
 - (ii) 18 per cent thought they could lose their job;
 - (iii) only 38 per cent thought meaningful action would occur;
 - (iv) eight per cent believe corruption occurs in their workplace;

- (f) that IBAC's *Audit of Victoria Police complaints handling systems at regional level* found that —
- (i) 16 per cent of police complainants were not contacted by internal investigating officers;
 - (ii) 34 per cent of witnesses were not contacted;
 - (iii) in 17 per cent of cases, relevant evidence was not considered;
- (2) calls on the Government to —
- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
 - (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Question — put and agreed to.

12 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 294, be postponed until later this day.

13 CONTAMINATED SOIL FROM WEST GATE TUNNEL PROJECT — Mr Davis moved, That this House —

- (1) opposes any decision by the Andrews Labor Government, or its agencies, to dump toxic soil from the West Gate Tunnel Project at the Maddingley Brown Coal mine, Bacchus Marsh, in the Shire of Moorabool;
- (2) notes that proper community consultation and a full environmental assessment has not been undertaken by the West Gate Tunnel Authority, Transurban or other entities associated with the project; and
- (3) further notes that the site of the proposed dump site, near Bacchus Marsh Grammar School and the town centre, makes it inappropriate to foist the transport and dumping of the contaminated soil on the Bacchus Marsh community.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

(*Tellers: Mr Barton and Ms Maxwell*)

NOES, 15

Mr Erdogan; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(*Tellers: Mr Erdogan and Ms Taylor*)

Question agreed to.

14 REDUCED HEALTH IMPACTS OF VAPING — Mr Limbrick (for Mr Quilty) moved, That this House notes —

- (1) Public Health England's *Evidence review of e-cigarettes and heated tobacco products 2018*;
- (2) that vaping is probably not without risks but that it is almost certainly far safer than smoking;
- (3) the extensive evidence of reduced harm to smokers who transition to vaping; and
- (4) that there is no evidence of harm to bystanders as a result of vaping.

Debate ensued.

Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 17 March 2020, the debate stood adjourned in the name of Ms Patten.

15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — A statement on a report was made by a Member pursuant to Sessional Order 16.

16 INAUGURAL SPEECH — DR MATTHEW BACH — Pursuant to an Order of the Council of 17 March 2020, Dr Matthew Bach made his inaugural speech.

17 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 276, be postponed until later this day.

18 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020 — Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

Ms Symes moved, That the Bill be read a second time, and by leave, debate be taken forthwith.

Question — That debate be taken forthwith — put and agreed to.

Debate ensued.

Amendments proposed to be moved in Committee by Dr Cumming and Dr Ratnam were circulated.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

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

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

And then the Council, at 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 58 — Thursday, 19 March 2020

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

2 **PETITIONS** —

EXPAND THE FREE TRAM NETWORK — Mr Barton presented a Petition bearing 1,189 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to support the extension of the free tram network to make our city more accessible for students, seniors, families and visitors.

Ordered to lie on the Table.

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IMPROVE EPIPEN AVAILABILITY — Mr Bourman presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund and implement an initiative that ensures EpiPens are widely available in major hotels, businesses, restaurants and fast food outlets.

Ordered to lie on the Table.

3 **PAPERS** —

PLAN MELBOURNE 2017-2050 REPORT ON PROGRESS 2019 — Mr Jennings moved, by leave, That there be laid before this House a copy of the Plan Melbourne 2017-2050 Report on Progress 2019.

Question — put and agreed to.

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

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

Auditor-General's Report on Ravenhall Prison: Rehabilitating and Reintegrating Prisoners, March 2020 (*Ordered to be published*).

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

Boroondara Planning Scheme — Amendment C328.

Melton Planning Scheme — Amendment C211.

Mornington Peninsula Planning Scheme — Amendment C231.

Victoria Planning Provisions — Amendment VC177.

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria — Report, 2018-19.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 17 and 18.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S128, 13 March 2020*).

- 4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

Debate ensued.

Mr Davis moved, as an amendment, That the words “a day and hour to be fixed by the President, who will notify each Member of the Council accordingly” be **omitted** with a view of **inserting** “Tuesday, 5 May 2020” in their place.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

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

NOES, 21

Mr Barton; Mr Bourman; Mr Erdogan; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(*Tellers: Dr Kieu and Mr Melhem*)

Question negatived.

Original question — That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly — put and agreed to.

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

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 276, be postponed until later this day.

- 7 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020** — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

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

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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:

- **Aged care workers safety** — substantive question asked by Mr Grimley — response from Ms Mikakos due Monday, 23 March 2020.
- **Body worn cameras for Police and PSOs** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Monday, 23 March 2020.

- **Urban tree cover** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 23 March 2020.

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

10 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020 — Bill furthered considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Somyurek moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 30

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

(Tellers: Mr Meddick and Ms Vaghela)

NOES, 5

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

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

Bill read a third time.

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

11 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

- (1) take into account further consultation about the benefits of removing the group cost orders and contingency fees provisions proposed for the *Supreme Court Act 1986*; and
- (2) retain the remaining provisions of the Bill."

Debate ensued.

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

12 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 to remove requirements for criminal record and child protection order checks to be carried out before a woman may undergo a treatment procedure and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

13 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 in relation to sentencing for certain offences committed against emergency workers and others, to amend the Criminal Procedure Act 2009 in relation to indictable offences that may be heard and determined summarily and to make minor amendments to the Crimes Act 1958 and the Serious Offenders Act 2018 and for other purposes* and requesting the agreement of the Council.

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

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

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

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 14 NORTH EAST LINK BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the North East Link State Tolling Corporation in relation to the North East Link road, to provide for the operation and maintenance of the North East Link road and the imposition and enforcement of tolls in relation to the North East Link road, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

- 15 DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Service Safeguards Act 2018 and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

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

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

And then the Council, at 5.33 p.m., adjourned until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 56, 57 and 58

HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020

Committed Tuesday, 17 March 2020

Clauses 1 to 11 — put and agreed to.

Bill reported without amendment.

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NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020

Committed Tuesday, 17 March 2020

Amendments circulated: Mr Rich-Phillips (see pp. 419-20)

Clauses 1 to 3 — put and agreed to.

Clause 4 — Mr Rich-Phillips moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Rich-Phillips.
(Tellers: Mr Bourman and Mr Quilty)

NOES, 21

Mr Barton; Dr Cumming; Mr Erdogan; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(Tellers: Dr Cumming and Dr Ratnam)

Question negatived.

Clause 4 — put and agreed to.

Clauses 5 to 7 — put and agreed to.

Bill reported without amendment.

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LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020

Committed Thursday, 19 March 2020

Amendments circulated: Dr Cumming (see p. 420), Dr Ratnam (see p. 420)

Clauses 1 to 9 — put and agreed to

Clause 10 — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

(Tellers: Mr Grimley and Dr Ratnam)

NOES, 25

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Erdogan; Mr Finn;
Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mr Meddick; Mr Melhem; Ms Mikakos;
Mr O'Donohue; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt;
Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Meddick and Mr Melhem)

Question negated.

Dr Cumming moved Amendment No. 1 — put and negated.

Clause 10 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020**Amendments circulated by Mr Rich-Phillips

1. Clause 4, lines 10 and 11, omit all words and expressions on those lines.
2. Clause 4, page 8, lines 15 to 24, omit all words and expressions on those lines.
3. Clause 4, page 11, after line 10 insert—
 - "(2A) An Order made under subsection (1) that specifies—
 - (a) the carrying out of, or operation of, an augmentation of the declared transmission system as a specified augmentation; or
 - (b) services provided or to be provided in relation to or by means of a specified augmentation as specified augmentation services; or
 - (c) non-network services as specified non-network services—must disapply the regulatory investment test for transmission."
4. Clause 4, page 17, after line 28 insert—

"16ZHA Alternative regulatory investment test, consultation and tender

- (1) This section applies if—
 - (a) an Order is made under section 16Y; and
 - (b) the Order specifies any one or more of the following—
 - (i) the carrying out of, or operation of, an augmentation of the declared transmission system as a specified augmentation;
 - (ii) services provided or to be provided in relation to or by means of a specified augmentation as specified augmentation services;
 - (iii) non-network services as specified non-network services.
- (2) AEMO must conduct an assessment of the need for the specified augmentation, the need for the provision of the specified augmentation services or the specified non-network services, as the case requires, in accordance with subsection (2) (the **alternative regulatory investment test**).
- (3) AEMO must—
 - (a) assess all credible options, including the option of no augmentation or no provision of augmentation services or non-network services (as the case requires); and
 - (b) conduct a cost-benefit analysis of each option to determine the net impact on electricity generators and electricity consumers of each option.
- (4) AEMO must publish on its website for the purposes of public consultation—
 - (a) a report, which includes the results arising from the application of the alternative regulatory investment test; and
 - (b) subject to subsection (5), details for the public consultation process, including the form and lodgement date for public submissions.
- (5) In deciding the details for the public consultation process, AEMO must have regard to the scope of the augmentation, augmentation services or non-network services specified in the Order.
- (6) AEMO must consider all public submissions that comply with the public consultation process.
- (7) Following consultation—
 - (a) AEMO may make any necessary changes to the assessment; and

- (b) AEMO must refer the option with the highest net benefit (the **best option**) to the Minister.
- (8) If the best option is an augmentation or the provision of augmentation services or non-network services (as the case requires), the Minister must, on receiving the option, direct AEMO to conduct a competitive tender process for the procurement of that option.
- (9) If the best option is that there is no need for an augmentation or the provision of augmentation services or non-network services (as the case requires), the Minister must revoke the relevant order made under section 16Y."

2. LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020

Amendments circulated by Dr Cumming

1. Clause 10, line 20, omit "October 2024" and insert "March 2023".

Amendments circulated by Dr Ratnam

1. Clause 10, line 20, omit "2024" and insert "2021".