



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 50, 51 and 52

No. 50 — Tuesday, 18 February 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 11 February 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020.

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

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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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:

- **Multipurpose taxi program** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 20 February 2020.
- **Rifles for Police** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 20 February 2020.
- **West Gate Tunnel contaminated soil** — substantive and supplementary questions asked by Mr Finn — response from Ms Mikakos due Thursday, 20 February 2020.
- **Water saving campaign** — substantive and supplementary questions asked by Mr Hayes — response from Ms Tierney due Thursday, 20 February 2020.

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

- 5 **PAPERS** —

CITY OF CASEY MUNICIPAL MONITOR REPORT — Mr Somyurek moved, by leave, That there be laid before this House a copy of the City of Casey Municipal Monitor Report, February 2020.

Question — put and agreed to.

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

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 2 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

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

- Australian Children’s Education and Care Quality Authority — Report, 2018-19.
- Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2019 (*Ordered to be published*).
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 135/2019 (*Gazette No. G5, 6 February 2020*).
- National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman — Report, 2018-19.
- Planning and Environment Act 1987 — Notices of approval of the following amendments to planning schemes —
 - Bayside Planning Scheme — Amendment C161 (Part 2).
 - Boroondara Planning Scheme — Amendment C312.
 - Hobsons Bay Planning Scheme — Amendment C113.
 - Melton Planning Scheme — Amendments C201 and C217.
 - Mildura Planning Scheme — Amendment C102.
 - Nillumbik Planning Scheme — Amendments C117 (Part 1) and C124.
 - Surf Coast Planning Scheme — Amendment C128.
 - Victoria Planning Provisions — Amendments VC160, VC168 and VC170.
- Statutory Rules under the following Acts of Parliament —
 - Public Health and Wellbeing Act 2008 — No. 5.
 - Road Safety Act 1986 — No. 7.
 - Transport (Compliance and Miscellaneous) Act 1983 — No. 6.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 4 to 7.
 - Legislative instruments and related documents under section 16B in respect of —
 - Minister’s Notice of 18 December 2019 of Temporary Qualification of Rights in the Broken System 2019 under the Water Act 1989.
 - Minister’s Order of 4 February 2020 revoking the Declaration of Common Wombats to be Unprotected Wildlife under the Wildlife Act 1975.
 - Guidelines pursuant to section 26 of the Act.

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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:

- Children Legislation Amendment Act 2019 — Sections 3(2), 9 and 10 and Parts 4 and 5 — 17 February 2020 (*Gazette No. S49, 4 February 2020*).
- Justice Legislation Amendment (Serious Offenders and Other Matters) Act 2019 — Sections 19(1), 21, 22, 23, 24, 25, 26, 27, 28 and 29 — 31 January 2020 (*Gazette No. S37, 29 January 2020*).

6 BUSINESS OF THE COUNCIL — Dr Cumming moved, by leave, That precedence be given to the following General Business on Wednesday, 19 February 2020 —

- (1) Order of the Day No. 2, second reading of the Summary Offences Amendment (Move-On Laws) Bill 2019;
- (2) Notice of Motion No. 233 standing in the name of Dr Cumming referring a matter to the Environment and Planning Committee relating to air pollution;
- (3) Notice of Motion No. 204 standing in the name of Dr Cumming in relation to the reinvestment of gambling revenue in Western Metropolitan Melbourne;
- (4) Notice of Motion No. 232 standing in the name of Mr Davis in relation to the partial disallowance of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019;
- (5) Order of the Day No. 25, resumption of debate on a motion to establish a joint select committee inquiry into the 2019-20 Bushfires;
- (6) Notice of Motion No. 235 standing in the name of Mr Davis in relation to fuel load maps;
- (7) Order of the Day No. 1, resumption of debate on the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020; and

(8) Notice of Motion No. 162 standing in the name of Ms Patten referring matters relating to petitions to the Procedure Committee.

Question — put and agreed to.

7 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP — Mr Jennings moved, by leave, That —

(1) Ms Terpstra be discharged from the Economy and Infrastructure Standing Committee; and

(2) Mr Erdogan be appointed to the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

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

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

10 MESSAGE FROM ASSEMBLY — JOINT STANDING ORDER — Mr Jennings moved, by leave, That the Council agrees with the Assembly and resolves, That the following new Joint Standing Order 25 take effect immediately —

25 Joint sittings under the *Victorian Responsible Gambling Foundation Act 2011*

(1) A member, addressing the Chair, may propose a member or members to be elected to the Board of the Victorian Responsible Gambling Foundation and any such proposal must be seconded. When a member is proposed, the proposer must state that such member is willing to accept nomination.

(2) If no more than the required number of members are proposed and seconded, the Chair will declare such members as having been elected.

(3) If more than the required number of members are proposed and seconded in respect of the vacancies, the members will be elected by ballot.

(4) After the ballot, the Chair will declare the member or members elected to the Foundation and will advise the responsible minister of the result of the election.

and that a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

11 ENERGY SAFETY LEGISLATION AMENDMENT (VICTORIAN ENERGY SAFETY COMMISSION AND OTHER MATTERS) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

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

On the motion of Mr Jennings (for Mr Somyurek), the Bill was read a first time.

Pursuant to Standing Order 14.34, Mr Jennings declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

Debate ensued.

Amendments proposed to be moved in Committee by Mr Hayes were circulated.

Question — put and agreed to.

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

House in Committee.

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

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

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

- 14 BUILDING AND ENVIRONMENT PROTECTION LEGISLATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

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

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

And then the Council, at 5.53 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 51 — Wednesday, 19 February 2020

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

- 2 **PETITIONS** —

BUILD ROADS, NOT BARRIERS — Mrs McArthur presented a Petition bearing 4,309 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Roads to abandon the proposed wire-rope barrier installation along the Princes Highway, and instead duplicate the highway in accordance with the justification provided in the 1972 compulsory land acquisition.

Ordered to lie on the Table.

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TREE PLANTING IN NEW URBAN DEVELOPMENTS — Dr Ratnam presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council pass new laws on urban development so that all new building developments in the metropolitan regions of Melbourne are accompanied by tree-planting to green our streets.

Ordered to lie on the Table.

- 3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, June to December 2019.

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

- 5 **SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2019** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Stitt, the debate was adjourned for two weeks.

6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — HEALTH IMPACTS OF AIR POLLUTION — Dr Cumming moved, That this House —

- (1) notes that air pollution —
 - (a) is a national environmental and public health issue;
 - (b) costs up to \$22 billion each year and contributes to 4,880 deaths nationwide each year;
 - (c) contributes to many preventable respiratory, cardiovascular and neurological diseases;
 - (d) effects are more pronounced in vulnerable groups, including children and the elderly;
- (2) further notes that —
 - (a) Victoria is positioned to take progressive, practical actions in minimising the impact of air pollution on all Victorians health and well-being;
 - (b) empowering Victorians to reduce air pollution is possible with minimal economic cost or significant amendment to current legislation;
- (3) recognises —
 - (a) the development of the Victorian Air Quality Strategy;
 - (b) that new environment protection legislation will enable the Victorian Environment Protection Authority (EPA) a broader reach in tackling air pollution;
 - (c) the collaboration of leading medical and health researchers;
- (4) requires the Environment and Planning Committee to inquire into, consider and report, by 29 October 2020, on actions to minimise the health impacts of air pollution, including, but not limited to —
 - (a) state-wide practical, real-time, cost-effective mitigation strategies;
 - (b) ensuring that Victorian air quality continues to track towards meeting or exceeding current international best practice standards and is enforced;
 - (c) the impact of economic and population growth on air pollution and health outcomes;
 - (d) strengthening commitments across all Victorian Government portfolios to reduce air pollution and minimise the impact on health; and
 - (e) any other related matters.

Debate ensued.

Question — put and agreed to.

7 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 204, be postponed until later this day.

8 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE — Mr Rich-Phillips moved (for Mr Davis), That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

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

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

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

- **Road side drug testing** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Thursday, 20 February 2020.

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

11 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE — Debate continued on the question, That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to

section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 16

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

(Tellers: Ms Patten and Mr Rich-Phillips)

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Melhem and Ms Stitt)

Question negatived.

12 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, General Business, No. 2, and Notice of Motion, General Business, No. 235, be postponed until later this day.

13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

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

14 PROCEDURE COMMITTEE — PETITION REFORM — Ms Patten moved, by leave, in an amended form, That this House —

(1) recognises that —

- (a) the ability to petition the Parliament is a right of all Victorian citizens;
- (b) petitions are the only way an individual or group of citizens can directly place grievances before the Parliament;
- (c) petitions provide an important tool for improving community engagement with the political process;

(2) notes that —

- (a) a petition is a citizen's request for action, however once a copy of the petition has been referred to a Minister by the Clerk, no further action is required, which is a flaw in the parliamentary system of democracy;
- (b) the Australian House of Representatives has a Standing Committee on Petitions which receives and processes petitions on behalf of the House and is able to inquire into and report on matters relating to petitions following their tabling;
- (c) the process for petitions in the Victorian Parliament requires urgent reform;

(3) requires the Procedure Committee to inquire into, consider and report, by 20 August 2020, on any Sessional Order or Standing Order changes that would provide reform of petitions, including appropriate procedures to require the —

- (a) Minister, or Minister representing the relevant Minister in the Legislative Assembly, to table a written response to a petition within 14 days of it being tabled in the Legislative Council;
- (b) Legislative Council to debate the issue raised in a petition upon reaching a certain threshold of petitioners that is to be fixed by the House;

and calls on the Government to implement petition reform no later than 1 January 2021.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Patten.

15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

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

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.19 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 52 — Thursday, 20 February 2020

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

2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 19 February 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Local Government (Casey City Council) Act 2020.

3 **PETITIONS** —

PAINTBALL GAMES FACILITY, GEORGES CREEK — Mr Bourman presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Legislative Council call on Towong Shire Council to reconsider the recent paintball games facility at Georges Creek application and work together to allow the applicants to provide a venue that is beneficial to the wider community.

Ordered to lie on the Table.

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VICTORIAN NATIVE TIMBER INDUSTRY — Mr Bourman presented a Petition bearing 388 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its decision to shut down the Victorian native timber industry, save these critical regional jobs and proactively work with industry into the future.

Ordered to lie on the Table.

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CEASE LOGGING IN STATE FORESTS — Dr Ratnam presented a Petition bearing 633 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease logging of state forest areas in Kinglake and the Central Highlands by July 2020, assist employees and contractors who work directly in the native forest logging industry to transition to related industries, including plantation timber industry and forest restoration work, and offer compensation to workers to exit the industry.

Ordered to lie on the Table.

4 **PAPER PURSUANT TO A STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Family Violence Protection Act 2008 — Report on implementation of the Family Violence Risk Assessment and Management Framework, 2018-19.

5 **PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS** — The Clerk laid on the Table a letter from the Attorney-General, dated 19 February 2020, in response to the Resolution of the Council of 27 November 2019 relating to bushfire fuel load maps, making a claim of Executive Privilege in full in relation to three of the four documents identified and noting that the fourth document will not be released as it is already in the public domain.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

6 **SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 3 March 2020.

Question — put and agreed to.

- 7 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO EXPANDING MELBOURNE'S FREE TRAM ZONE** — Mr Elasmар moved, by leave, That the Resolution of the Council of 5 June 2019 requiring the Economy and Infrastructure Committee to inquire into and report, within 12 months, on Melbourne's public transport, be amended so as to now require the Committee to present its report by 1 September 2020.

Question — put and agreed to.

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Elasmар moved, by leave, That the Resolutions of the Council of 5 June 2019 and 13 August 2019 requiring the Economy and Infrastructure Committee to inquire into and report, by 1 July 2020, on the increase in the Victorian road toll in 2019, be amended so as to now require the Committee to present its report by 17 November 2020.

Question — put and agreed to.

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

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

- 11 GENDER EQUALITY BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Crozier were circulated.

Business having been interrupted at 12.00 noon pursuant to Sessional Orders —

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

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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:

- **Renewable energy targets** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Monday, 24 February 2020.
- **Stamp duty** — substantive and supplementary questions asked by Mr Quilty — response from Mr Jennings due Monday, 24 February 2020.

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

- 14 GENDER EQUALITY BILL 2019** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmар; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Ms Garrett and Ms Stitt)

NOES, 2

Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

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

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

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Ms Terpstra and Ms Vaghela)

NOES, 2

Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

Bill read a third time.

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

15 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Forests Act 1958, the Sustainable Forests (Timber) Act 2004 and the Conservation, Forests and Lands Act 1987 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

16 GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019

— The President read a Message from the Assembly presenting *A Bill for an Act to recognise the importance of the landscapes and seascapes along the Great Ocean Road to the economic prosperity and liveability of Victoria and as one living and integrated natural entity for the purposes of protecting the region, to establish a Great Ocean Road Coast and Parks Authority to which various land management responsibilities are to be transferred and to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

17 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Evidence Act 2008, the Evidence (Miscellaneous Provisions) Act 1958, the Local Government Act 1989, the Magistrates' Court Act 1989, the Oaths and Affirmations Act 2018, the Professional Standards Act 2003, the Sentencing Act*

1991 and the Supreme Court Act 1986 and for other purposes and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

18 OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Owners Corporations Act 2006, the Retirement Villages Act 1986 and the Subdivision Act 1988 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

19 LOCAL GOVERNMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Dr Ratnam, the debate was adjourned until the next day of meeting.

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

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.20 p.m., adjourned until Tuesday, 3 March 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 50, 51 and 52

LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020

Committed Tuesday, 18 February 2020

Amendments circulated: Mr Hayes (p. 363), Dr Cumming (p. 363)

Clauses 1 to 9 — put and agreed to.

Clause 10 — Mr Hayes moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

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

(Tellers: Mr Grimley and Ms Patten)

NOES, 28

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

(Tellers: Mr Atkinson and Ms Wooldridge)

Question negated.

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

Dr Cumming moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

(Tellers: Dr Cumming and Mr Hayes)

NOES, 27

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

(Tellers: Mrs McArthur and Ms Taylor)

Question negated.

Clause 10 — put and agreed to.

Bill reported without amendment.

GENDER EQUALITY BILL 2019*Committed Thursday, 20 February 2020**Amendments circulated: Ms Crozier (pp. 363-6)***Clause 1** — Ms Crozier moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick;
 Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.
(Tellers: Mr Finn and Ms Wooldridge)

NOES, 25

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

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 to 47 — put and agreed to.**Clause 48** — Ms Crozier moved Amendment No. 67.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Grimley; Mr Limbrick;
 Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips;
 Ms Wooldridge.
(Tellers: Mrs McArthur and Mr Quilty)

NOES, 23

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

Question negatived.

Clause 48 — put and agreed to.

Clause 49 — Ms Crozier moved Amendment No. 68 — put and negatived.

Clause 49 — put and agreed to.

Clauses 50 to 56 — put and agreed to.**Bill reported without amendment.**

AMENDMENTS CIRCULATED IN RELATION TO —**1. LOCAL GOVERNMENT (CASEY CITY COUNCIL) BILL 2020***Amendment circulated by Mr Hayes*

Clause 10, line 18, omit "on the fourth Saturday in October 2024" and insert "no later than the fourth Saturday in October 2021".

Amendment circulated by Dr Cumming

Clause 10, line 18, omit "on the fourth Saturday in October 2024" and insert "no later than the fourth Saturday in March 2023".

2. GENDER EQUALITY BILL 2019*Amendments circulated by Ms Crozier*

1. Clause 1, line 9, omit "services; and" and insert "services."
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
3. Clause 3, lines 13 to 15, omit all words and expressions on these lines.
4. Clause 12, line 4, omit "Commissioner" and insert "Secretary".
5. Clause 12, line 7, omit "Commissioner" and insert "Secretary".
6. Clause 12, line 9, omit "Commissioner" and insert "Secretary".
7. Clause 12, line 14, omit "Commissioner" and insert "Secretary".
8. Clause 13, line 26, omit "Commissioner" and insert "Secretary".
9. Clause 13, line 32, omit "Commissioner" and insert "Secretary".
10. Clause 14, line 12, omit "**Commissioner**" and insert "**Secretary**".
11. Clause 14, line 14, omit "Commissioner" and insert "Secretary".
12. Clause 14, line 16, omit "Commissioner" and insert "Secretary".
13. Clause 14, line 17, omit "Commissioner" and insert "Secretary".
14. Clause 14, line 19, omit "Commissioner" and insert "Secretary".
15. Clause 15, line 27, omit "Commissioner" and insert "Secretary".
16. Clause 15, line 30, omit "Commissioner" and insert "Secretary".
17. Clause 19, line 4, omit "Commissioner" and insert "Secretary".
18. Clause 19, line 7, omit "Commissioner" and insert "Secretary".
19. Clause 19, line 9, omit "Commissioner" and insert "Secretary".
20. Clause 20, line 20, omit "**Commissioner**" and insert "**Secretary**".
21. Clause 21, line 25, omit "**Commissioner**" and insert "**Secretary**".
22. Clause 21, line 27, omit "Commissioner" and insert "Secretary".
23. Clause 22, line 3, omit "Commissioner" and insert "Secretary".

24. Clause 22, line 5, omit "Commissioner" and insert "Secretary".
25. Clause 22, line 27, omit "Commissioner" and insert "Secretary".
26. Clause 23, line 8, omit "Commissioner's" and insert "Secretary's".
27. Clause 23, line 16, omit "Commissioner" and insert "Secretary".
28. Clause 23, line 29, omit "Commissioner" and insert "Secretary".
29. Clause 24, line 6, omit "Commissioner" and insert "Secretary".
30. Clause 24, line 9, omit "Commissioner" and insert "Secretary".
31. Clause 25, line 22, omit "Commissioner's" and insert "Secretary's".
32. Clause 25, line 26, omit "Commissioner's" and insert "Secretary's".
33. Clause 26, line 31, omit "Commissioner" and insert "Secretary".
34. Clause 26, page 21, line 6, omit "Commissioner" and insert "Secretary".
35. Clause 26, page 21, line 9, omit "Commissioner's" and insert "Secretary's".
36. Clause 27, line 16, omit "Commissioner" and insert "Secretary".
37. Clause 27, line 20, omit "Commissioner" and insert "Secretary".
38. Clause 27, line 23, omit "Commissioner" and insert "Secretary".
39. Clause 27, line 28, omit "Commissioner" and insert "Secretary".
40. Clause 27, line 32, omit "Commissioner" and insert "Secretary".
41. Clause 27, line 34, omit "Commissioner" and insert "Secretary".
42. Part heading preceding clause 28, omit this heading.
43. Division heading preceding clause 28, omit this heading.
44. Clause 28, omit this clause.

NEW CLAUSE

45. Insert the following New Clause before clause 29—

"28 Delegation

The Secretary may delegate, by instrument, any power of the Secretary under this Act, other than this power of delegation, to any person who is employed under the **Public Administration Act 2004** and has the necessary skills to exercise that power."

46. Clause 29, omit this clause.
47. Clause 30, omit this clause.
48. Clause 31, omit this clause.
49. Clause 32, omit this clause.
50. Clause 33, omit this clause.
51. Clause 34, omit this clause.
52. Clause 35, omit this clause.
53. Division heading preceding clause 36, omit this heading.
54. Clause 36, omit this clause.

55. Clause 37, omit this clause.
56. Division heading preceding clause 38, omit this heading.
57. Clause 38, omit this clause.
58. Clause 39, omit this clause.
59. Clause 40, omit this clause.
60. Clause 41, omit this clause.
61. Clause 42, omit this clause.
62. Division heading preceding clause 43, omit this heading.
63. Clause 43, omit this clause.
64. Clause 44, omit this clause.
65. Clause 45, omit this clause.
66. Clause 46, omit this clause.
67. Clause 48, after line 29 insert—
 - "(3) The Treasurer or the Minister responsible for administering the **Financial Management Act 1994**, as the case requires, must ensure that guidelines issued under subsection (1) will not result in small businesses being discriminated against in relation to the allocation of funding or grants, or entering into service agreements.
 - (4) In particular, guidelines issued under subsection (1) must adequately reflect the constraints on small businesses in relation to matters including, but not limited to—
 - (a) the limited resources of small businesses to manage an additional administrative burden; and
 - (b) the typical size of the workforce of small businesses, which may not be sufficient to achieve broad workplace diversity; and
 - (c) the fact that small businesses in regional Victoria may not have access to workforce choice including in relation to recruitment to skilled positions or governance roles."
68. Clause 49, after line 10 insert—
 - "(3) The Minister responsible for administering the **Financial Management Act 1994** must ensure that guidelines issued under subsection (1) will not result in small businesses being discriminated against in procurement processes engaged in by defined entities.
 - (4) In particular, guidelines issued under subsection (1) must adequately reflect the constraints on small businesses in relation to matters including, but not limited to—
 - (a) the limited resources of small businesses to manage an additional administrative burden; and
 - (b) the typical size of the workforce of small businesses, which may not be sufficient to achieve broad workplace diversity; and
 - (c) the fact that small businesses in regional Victoria may not have access to workforce choice including in relation to recruitment to skilled positions or governance roles."
69. Clause 51, line 14, omit "Commissioner" and insert "Secretary".
70. Clause 51, line 16, omit "Commissioner" and insert "Secretary".
71. Clause 51, line 18, omit "Commissioner" and insert "Secretary".

LONG TITLE

72. Long title, omit ", to establish the Public Sector Gender Equality Commissioner".