



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 48 — Wednesday, 5 February 2020

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **2019-20 BUSHFIRES** — Pursuant to a resolution of the House of Tuesday, 4 February 2020, Mr Jennings moved, That this House —
- (1) extends its condolences to the families and loved ones of the five people lost in Victoria's recent bushfires;
 - (2) further extends its condolences to the families and loved ones of the people recently lost in the New South Wales, South Australia and ACT fires;
 - (3) notes the far-reaching impact on communities, wildlife and the natural environment;
 - (4) praises the courage and commitment of all firefighters, emergency services personnel and first responders in protecting our state;
 - (5) shows its gratitude to the community members and organisations who have helped in this great time of need;
 - (6) thanks the national and international community for their support; and
 - (7) vows to stand with all individuals and communities who were, and continue to be, affected by the bushfires as they rebuild and recover.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Pursuant to the resolution of the House of Tuesday, 4 February 2020, as a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 4.03 p.m. until 5.03 p.m.]

- 3 **THE LATE HONOURABLE KENNETH WRIGHT** — The President advised the House of the death on 14 December 2019 of the Honourable Kenneth Wright, Member of the Legislative Council for the North Western Province from 1973 to 1992 and Deputy President from 1983 to 1985 and 1988 to 1992.
- Members stood in their places as a mark of respect to the memory of the late Honourable Kenneth Wright.
- 4 **WHITE ISLAND VOLCANO TRAGEDY** — The President expressed the House's deepest sympathy and sincere condolences to the people of New Zealand and to the many families and friends who lost loved ones in the White Island volcano eruption.
- Members stood in their places as a mark of respect to the memory of the victims.
- 5 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 3 December 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
- Consumer Legislation Amendment Act 2019*
 - Land (Revocation of Reservations) Act 2019*
 - Transport Legislation Amendment Act 2019*

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019.

6 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020 — Ms Patten introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005 to provide for the continuation of out of home care to young people up to 20 years of age.*

On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time later this day.

7 PAPERS —

ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE — Pursuant to Standing Order 23.29, Mr Elasmr presented a Report from the Economy and Infrastructure Committee on the Inquiry into the impact of animal rights activism on Victorian agriculture (including an Appendix, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 1 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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OMBUDSMAN — WORKSAFE 2: FOLLOW-UP INVESTIGATION INTO THE MANAGEMENT OF COMPLEX WORKERS COMPENSATION CLAIMS — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims, December 2019.

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OMBUDSMAN — INVESTIGATION OF MATTERS REFERRED FROM THE LEGISLATIVE ASSEMBLY ON 8 AUGUST 2018 — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an investigation of matters referred from the Legislative Assembly on 8 August 2018, December 2019.

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BUDGET UPDATE 2019-20 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Victorian Budget Update, 2019-20.

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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 Determination of 19 November 2019 of their intention to grant a lease at Albert Park Reserve.

Minister's Order of 4 September 2019 giving approval to the granting of a licence at Lynch's Bridge Historic Precinct Reserve.

Minister's Order of 12 October 2019 giving approval to the granting of a lease at Old Springfield Cheese Factory Reserve.

Minister's Order of 9 November 2019 giving approval to the granting of a lease at Lynch's Bridge Historic Precinct Reserve.

Minister's Orders of 10 November 2019 giving approval to the granting of leases at —
Market Street Melbourne Reserve.
Sandringham Beach Park Reserve.

Minister's Orders of 13 November 2019 giving approval to the granting of leases at —
Cape Paterson Foreshore Reserve.

Grantville Foreshore Reserve.

Minister's Order of 19 November 2019 giving approval to the granting of lease at
Elsternwick Park Reserve.

Education and Care Services National Law Act 2010 — Education and Care Services
National Amendment Regulations 2019, pursuant to section 303 of the Act.

Emergency Management Act 1986 — Report to Parliament on the declaration of the State of
Disaster, pursuant to section 23(7) of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to
Statutory Rule Nos. 71/2019, 112/2019, 113/2019 and 114/2019.

Major Events Act 2009 — Ministerial Major Sporting Event Order of 23 December 2019 for
the 2020 and 2021 Australian Open Tennis Tournaments.

Murray-Darling Basin Authority — Report, 2018-19.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contributions Levies — Report, 2018-19,
pursuant to section 46GZJ of the Act.

Notices of approval of the following amendments to planning schemes —

Alpine, Alpine Resorts, Benalla, Colac Otway, Corangamite, Indigo, Mansfield, Moira,
Moyne, Southern Grampians, Strathbogie, Towong, Wangaratta and Warrnambool
Planning Schemes — GC138.

Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra
Planning Schemes — GC98.

Banyule, Manningham and Nillumbik Planning Schemes — Amendment GC119.

Baw Baw, Cardinia and Latrobe Planning Schemes — Amendment GC124.

Bayside Planning Scheme — Amendments C172 and C173.

Boroondara Planning Scheme — Amendments C322, C324 and C326.

Brimbank Planning Scheme — Amendment C215.

Cardinia Planning Scheme — Amendments C255 and C260.

Casey Planning Scheme — Amendments C198, C229, C260, C262 and C272.

Casey Planning Scheme and Greater Dandenong Planning Scheme —
Amendment GC136.

Colac Otway, Corangamite, Greater Geelong, Moyne, Surf Coast and Warrnambool
Planning Schemes — Amendment GC121.

Frankston and Mornington Peninsula Planning Schemes — Amendment GC127.

Frankston Planning Scheme — Amendment C134.

Glen Eira Planning Scheme — Amendment C203.

Glenelg Planning Scheme — Amendment C102.

Greater Bendigo Planning Scheme — Amendments C226 and C249.

Greater Geelong Planning Scheme — Amendments C367, C404, C405 and C407.

Greater Shepparton Planning Scheme — Amendment C211.

Hume Planning Scheme — Amendments C230, C235, C241 and C242.

Kingston Planning Scheme — Amendment C185.

Knox Planning Scheme — Amendment C183.

Latrobe Planning Scheme — Amendment C105.

Loddon Planning Scheme — Amendment C41.

Macedon Ranges Planning Scheme — Amendments C117 and C130.

Mansfield Planning Scheme — Amendment C42.

Maribyrnong Planning Scheme — Amendment C147.

Melbourne Planning Scheme — Amendments C352 and C367.

Melton Planning Scheme — Amendments C172, C195 and C203.

Mitchell Planning Scheme — Amendment C124 and C148.

Monash Planning Scheme — Amendment C160.

Moonee Valley Planning Scheme — Amendment C201.

Moreland Planning Scheme — Amendments C188, C194, C197 and C198.

Mornington Peninsula Planning Scheme — Amendments C190, C206, C257 and C268.

- Moyne Planning Scheme — Amendment C65.
Nillumbik Planning Scheme — Amendment C119.
Port Phillip Planning Scheme — Amendment C185.
Queenscliffe Planning Scheme — Amendments C31 and C34.
Southern Grampians Planning Scheme — Amendment C56.
Stonnington Planning Scheme — Amendments C282, C290 and C299.
Surf Coast Planning Scheme — Amendments C123 and C132.
Victoria Planning Provisions — Amendments VC158 and VC165.
Whittlesea Planning Scheme — Amendments C234, C235 and C242.
Yarra Planning Scheme — Amendments C268, C274 and C276.
Yarra Ranges Planning Scheme — Amendment C188.
- Statutory Rules under the following Acts of Parliament —
- Accident Towing Services Act 2007 — Nos. 139/2019, 148/2019 and 169/2019.
Assisted Reproductive Treatment Act 2008 — No. 115/2019.
Building Act 1993 — No. 116/2019.
Bus Safety Act 2009 — No. 165/2019.
Children, Youth and Families Act 2005 — No. 161/2019.
Commercial Passenger Vehicle Industry Act 2017 — Nos. 162/2019 and 166/2019.
Conservation, Forests and Lands Act 1987 — Nos. 2/2020 and 3/2020.
County Court Act 1958 — Nos. 126/2019 and 142/2019.
EastLink Project Act 2004 — No. 149/2019.
Education and Training Reform Act 2006 — No. 134/2019.
Electricity Safety Act 1998 — Nos. 112/2019, 113/2019 and 114/2019.
Essential Services Commission Act 2001 — Nos. 127/2019 and 128/2019.
Evidence Act 2008 — No. 111/2019.
Fisheries Act 1995 — Nos. 163/2019 and 164/2019.
Forests Act 1958 — No. 130/2019.
Freedom of Information Act 1982 — No. 155/2019.
Greenhouse Gas Geological Sequestration Act 2008 — No. 119/2019.
Health Practitioner Regulation National Law (Victoria) Act 2009 — No. 141/2019.
Heavy Vehicle National Law Application Act 2013 — No. 170/2019.
Independent Broad-based Anti-corruption Commission Act 2011 — No. 158/2019.
Livestock Disease Control Act 1994 — No. 1/2020.
Local Government Act 1989 — No. 156/2019.
Magistrates' Court Act 1989 — No. 144/2019.
Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 143/2019.
Marine Safety Act 2010 — No. 146/2019.
Melbourne City Link Act 1995 — No. 150/2019.
Mineral Resources (Sustainable Development) Act 1990 — Nos. 137/2019 and 138/2019.
Ombudsman Act 1973 — No. 157/2019.
Prevention of Cruelty to Animals Act 1986 — No. 133/2019.
Public Health and Wellbeing Act 2008 — Nos. 135/2019 and 4/2020.
Public Interest Disclosures Act 2012 — No. 159/2019.
Racing Act 1958 — No. 147/2019.
Rail Safety National Law Application Act 2013 — No. 117/2019.
Road Management Act 2004 — Nos. 151/2019 and 152/2019.
Road Safety Act 1986 — Nos. 120/2019, 121/2019, 153/2019, 154/2019 and 172/2019.
Service Victoria Act 2018 — No. 132/2019.
Subordinate Legislation Act 1994 — Nos. 129/2019 and 136/2019.
Supreme Court Act 1986 — Nos. 122/2019, 123/2019 and 125/2019.
Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 124/2019.
Tobacco Act 1987 — No. 131/2019.
Tourist and Heritage Railways Act 2010 — No. 167/2019.
Transport (Compliance and Miscellaneous) Act 1983 — Nos. 118/2019, 168/2019 and 171/2019.
Transport Integration Act 2010 — No. 173/2019.

- Victorian Civil and Administrative Tribunal Act 1998 — No. 145/2019.
Victorian Inspectorate Act 2011 — No. 160/2019.
Water Act 1989 — No. 140/2019.
Subordinate Legislation Act 1994 —
Documents under section 15 in respect of Statutory Rule Nos. 109/2019, 113/2019 to 173/2019, 1/2020 and 3/2020.
Legislative instruments and related documents under section 16B in respect of —
Minister's Notice of 12 November 2019 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration under the City of Greater Geelong Act 1993.
Minister's Notice of 12 November 2019 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration under the City of Melbourne Act 2001.
Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 2/2019 for or with respect to the use of work-related parliamentary allowances and the Electorate Office and Communications Budget, 20 December 2019, under section 36 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:

- Building Amendment (Cladding Rectification) Act 2019 — Sections 1, 2, 3, 4(1), 9, 10, 27 and 28 — 17 December 2019 — Remaining Provisions — 1 January 2020 (*Gazette No. S537, 17 December 2019*).
- Children Legislation Amendment Act 2019 — Part 7 — 10 December 2019 (*Gazette No. S496, 3 December 2019*).
- Consumer Legislation Amendment Act 2019 — Part 2, Part 3, Part 8 and Part 9 — 18 December 2019 (*Gazette No. S537, 17 December 2019*).
- Essential Services Commission Amendment (Governance, Procedural and Administrative Improvements) Act 2019 — 6 December 2019 (*Gazette No. S496, 3 December 2019*).
- Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 — Part 2 and Schedule 1 — 31 December 2019 (*Gazette No. S537, 17 December 2019*).
- Justice Legislation Amendment (Criminal Appeals) Act 2019 — Divisions 2, 3, and 4 of Part 3 and Part 4 — 4 December 2019 (*Gazette No. S496, 3 December 2019*).
- Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 14(2), 16, 22, 24, 25, 27 and 31 — 10 December 2019 (*Gazette No. S514, 10 December 2019*).
- Marine and Fisheries Legislation Amendment Act 2019 — Sections 10, 11 and 16 — 18 December 2019 — Sections 12, 13, 15 and Part 5 — 1 January 2020 — Remaining Provisions — 1 February 2020 (*Gazette No. S537, 17 December 2019*).
- Parliamentary Committees Amendment Act 2019 — Section 7 — 30 December 2019 (*Gazette No. S537, 17 December 2019*).
- Primary Industries Legislation Amendment Act 2019 — Sections 8, 11(2), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 39, 51, 55, 56 and 57 and Parts 1, 3, 6, 8, 9, 11 and 14 — 17 December 2019 (*Gazette No. S537, 17 December 2019*).
- Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019 — Whole Act — 2 December 2019 (*Gazette No. S480, 26 November 2019*).
- Transport Legislation Amendment Act 2019 — Divisions 1, 2 and 4 of Part 2, Subdivisions 1, 2 and 4 of Division 5 of Part 2, Section 64, Division 7 of Part 2 (except Sections 66(2) and 67), Remaining Provisions of Part 3, Part 4, Part 5, Part 6 and Part 7 and Schedule 1 (except items 1(e) and 159), Schedule 2, Schedule 3 (except item 28) and Schedule 4 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Water and Catchment Legislation Amendment Act 2019 — Sections 5(8), 83, 86, 89 and 96 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019 — Part 1 and Part 3 — 1 January 2020 (*Gazette No. S537, 17 December 2019*).

- 8 PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS** — The Clerk laid on the Table a letter from the Attorney-General, dated 11 December 2019, in response to the Resolution of the Council of 27 November 2019, relating to bushfire fuel load maps, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.
- 9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business later this day and on Thursday, 6 February 2020 —
- (1) Order of the Day made this day, second reading of the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020;
 - (2) Notice of Motion No. 229 standing in the name of Mr Davis in relation to a joint select committee inquiry into the 2019-20 Bushfires;
 - (3) Notice of Motion No. 230 standing in the name of Mr Davis in relation to a regional sitting in North East Victoria this year;
 - (4) Notice of Motion No. 231 standing in the name of Mr Hayes in relation to Casey City Council; and
 - (5) Notice of Motion No. 232 standing in the name of Mr Davis in relation to the disallowance in part of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019.

Question — put and agreed to.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 11 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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QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a written response be provided to a question without notice pursuant to Standing Order 8.07 as follows:

- **Bush nursing centres – funding** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 6 February 2020.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

- 14 2019-20 BUSHFIRES JOINT SELECT COMMITTEE** — Mr Davis moved, That —
- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 30 November 2020, on the preparation for, co-ordination of, and implementation of the firefighting response to the 2019-20 bushfires in Gippsland and North East Victoria, including but not limited to, an examination of —
 - (a) all aspects of state government, department and agency actions, including —
 - (i) any relevant recent information or examples of bushfire response or preparation which, in the Committee's view, provide relevant lessons or learnings;
 - (ii) the volunteer and community response;
 - (b) the impacts on life and property and whether any could have been prevented by action before the bushfires;
 - (c) whether the response to the Victorian bushfires could have been improved, and if so, what lessons should be taken from these extensive and dangerous bushfires;

- (2) the Committee will make appropriate reference to the 2009 Victorian Bushfires Royal Commission's recommendations;

- (3) the Committee shall consist of —
 - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
 - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (4) a majority of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (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 shall operate under the provisions laid out under Joint Standing Order 15; and
- (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.

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

15 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

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

17 ADJOURNMENT — Mr Somyurek 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 9.07 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council