



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 63 — Tuesday, 16 June 2020

Proof Version

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 10 June 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
- Assisted Reproductive Treatment Amendment Act 2020*
 - Crimes Amendment (Manslaughter and Related Offences) Act 2020*
 - Disability Service Safeguards Amendment Act 2020*
 - North East Link 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:

- **National Redress Scheme** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 18 June 2020.
- **Melbourne population growth projections** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 18 June 2020.
- **Justice outcomes for indigenous Victorians** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Thursday, 18 June 2020.

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

- 5 **PETITION — RE-OPEN GILLES STREET PEDESTRIAN CROSSING IN WARRNAMBOOL** — Mr Meddick presented a Petition bearing 853 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to re-open the Gilles Street pedestrian crossing as part of a designated path network from the Warrnambool town centre and the Warrnambool Railway Station, providing access to the Port Fairy to Warrnambool Rail Trail, and the Lake Pertobe precinct.

Ordered to lie on the Table.

- 6 **PAPERS** —
- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 6 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE INQUIRY INTO AUDITOR-GENERAL'S REPORT NO. 202: MEETING OBLIGATIONS TO PROTECT RAMSAR WETLANDS (2016) — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report from the Public Accounts and Estimates Committee on the Inquiry into Auditor-General's Report No. 202: *Meeting Obligations to Protect Ramsar Wetlands (2016)* (including an Appendix), and further presented Transcripts of Evidence.

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

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

- Commissioner for Environmental Sustainability Victoria — Framework for the Victorian State of the Environment 2023 Report — Science for Sustainable Development.
- Drugs, Poisons and Controlled Substances Act 1981 — Review of the Medically Supervised Injecting Room.
- Falls Creek Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Mount Hotham Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Multicultural Victoria Act 2011 — Victorian Government Report in Multicultural Affairs, 2018-19.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
 - Ballarat Planning Scheme — Amendment C216 (Part 1).
 - Darebin Planning Scheme — Amendment C189.
 - Glen Eira Planning Scheme — Amendment C206.
 - Greater Bendigo Planning Scheme — Amendment C239.
 - Greater Dandenong Planning Scheme — Amendment C213.
 - Greater Shepparton Planning Scheme — Amendment C212.
 - Kingston Planning Scheme — Amendment C191.
 - Maribyrnong Planning Scheme — Amendment C165.
 - Melbourne Planning Scheme — Amendment C382.
 - Melton Planning Scheme — Amendment C173.
 - Swan Hill Planning Scheme — Amendment C76.
- Southern Alpine Resort Management Board — Minister's report of failure to submit the 2019 report, together with an explanation for the delay.
- Statutory Rules under the following Acts of Parliament —
 - COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 45.
 - Magistrates' Court Act 1989 — No. 44.
 - Residential Tenancies Act 1997 — No. 48.
 - Road Safety Act 1986 — No. 46.
 - Subordinate Legislation Act 1994 — No. 47.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 36, 41 and 44 to 47.
 - Legislative instruments and related documents under section 16B in respect of the —
 - Gambling Regulation Act 2003 — Ministerial Direction of 25 May 2020 to implement the National Consumer Protection Framework for Online Wagering under section 4.8A.2 of the Act.
 - Fisheries Act 1995 — Initial Quota Order of 5 June 2020 for the eastern octopus zone of the Victorian octopus fishery under section 64 of the Act.

Victorian Inspectorate —

Annual Plan, 2020-21.

Report 1 July to 31 December 2019, pursuant to section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of 2016-17 report.

7 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 17 June 2020 —

- (1) the notice of motion given this day by Mr Davis referring the allegations relating to the Hon Adem Somyurek to the Ombudsman for investigation and report;
- (2) Order of the Day for the resumption of debate on the second reading of the Wildlife Rescue Victoria Bill 2020;
- (3) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to the West Gate Tunnel Project;
- (4) Notice of Motion No. 316 standing in the name of Mr Davis in relation to a joint select committee inquiry into international treaties; and
- (5) the notice of motion given this day by Mr Davis referring a matter to the Integrity and Oversight Committee relating to the operation and effectiveness of the *Freedom of Information Act 1982*.

Question — put and agreed to.

8 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO HOMELESSNESS IN VICTORIA — Ms Patten moved, by leave, That the Resolutions of the Council of 7 June 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, be amended so as to now require the Committee to present its report by 26 February 2021.

Question — put and agreed to.

9 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA — Ms Patten moved, by leave, That the Resolutions of the Council of 30 May 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 1 June 2021.

Question — put and agreed to.

10 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO MANAGEMENT OF CHILD SEX OFFENDER INFORMATION — Ms Patten moved, by leave, That the resolutions of the Council of 28 August 2019 and 13 November 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, on the management of child sex offender information, be amended so as to now require the Committee to present its report no later than 30 August 2021.

Question — put and agreed to.

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

12 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 276, be postponed until later this day.

13 PETROLEUM LEGISLATION 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-Phillips 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.

Ms Symes 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, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 3

Dr Cumming; Mr Hayes; Mr Meddick.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill read a third time.

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

14 WAGE THEFT 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 O'Donohue were circulated.

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

[Sitting suspended from 6.30 p.m. to 7.30 p.m.]

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

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

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

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

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

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Mr Tarlamis; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill read a third time.

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

15 GREAT OCEAN ROAD AND ENVIRONS PROTECTION BILL 2019 — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

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

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

And then the Council, at 11.57 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council