



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 63, 64 and 65

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#### No. 63 — Tuesday, 16 June 2020

- 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 —
    - 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.
    - 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.

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 —*

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

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Bill further considered in Committee of the whole.

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

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

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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; 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 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 11.56 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 64 — Wednesday, 17 June 2020

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

2 **PAPERS** —

**2018-19 SUSTAINABILITY FUND ACTIVITIES REPORT** — Ms Pulford moved, by leave, That there be laid before this House a copy of 2018-19 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Ms Pulford 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 Reports on —

Protecting Critically Endangered Grasslands, June 2020 *(Ordered to be published)*.

Responses to Performance Audit Recommendations 2015-16 to 2017-18, June 2020 *(Ordered to be published)*.

Environment Protection Act 1970 — Sustainability Fund Guidelines, 2020.

Falls Creek Alpine Resort Management Board — Report, 2019.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2019.

Mount Hotham Alpine Resort Management Board — Report, 2019.

Planning and Environment Act 1987 —

Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Whittlesea Planning Scheme Amendment C203.  
Southern Alpine Resort Management Board — Report, 2019.

- 3 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Shing and Mr Tarlamis be participating members of the Standing Committee on Legal and Social Issues.

Debate ensued.

Question — put and agreed to.

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

- 5 OMBUDSMAN REFERRAL — ALLEGATIONS CONCERNING 'BRANCH STACKING'** — Mr Davis moved, That this House —

(1) pursuant to section 16 of the *Ombudsman Act 1973* refers the following matter to the Ombudsman for investigation and report:

(a) allegations aired on *60 Minutes* and in *The Age* that the Hon Adem Somyurek MLC, and other Ministers misused Members' staff and other budget entitlements against the provisions of relevant statutes, guides and rules of the Parliament of Victoria for internal Australian Labor Party purposes, including 'branch stacking';

(b) any other breach of applicable policies, laws or codes in relation to these allegations;

(2) supports other relevant Victorian authorities, including the Independent Broad-based Anti-corruption Commission (IBAC) investigating these allegations for potential corrupt behaviour and breaches of the *Crimes Act 1958* and other Victorian laws;

and requires the Clerk to write to the Victorian Ombudsman and the IBAC Commissioner to convey the terms of this Resolution.

Debate ensued.

Question — put and agreed to.

- 6 WILDLIFE RESCUE VICTORIA BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Ms Bath moved, as a reasoned amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House."

Debate ensued.

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

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

**ALLEGATIONS OF 'BRANCH STACKING' — REFERRAL TO POLICE** — Ms Symes having given answers to a question without notice and supplementary question relating to referring allegations of 'branch stacking' to Victoria Police —

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:

- **Grants funding to multicultural groups** — substantive and supplementary questions asked by Mr Davis — response from Ms Mikakos due Friday, 19 June 2020.
- **Taxi regulator cooperation with police investigation** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 June 2020.

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

**9 WILDLIFE RESCUE VICTORIA BILL 2020** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Ms Bath*, That all the words after “That” be omitted with the view of inserting in their place “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

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

**10 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL** — Mr Davis moved, That this House —

(1) notes —

- (a) the difficulties in identifying a suitable and safe location for the permanent storage of the PFAS-contaminated waste spoil from the West Gate Tunnel Project;
- (b) the identification as part of the project’s Environmental Effects Statement process of potentially contaminated soil, including PFAS-contaminated soil;

(2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before Wednesday, 22 July 2020, any documents in the possession of the Minister for Planning or his office, the Minister for Transport Infrastructure or her office, the Department of Transport, the Department of Environment, Land, Water and Planning or the Environment Protection Authority (EPA), relating to —

- (a) policies, scientific papers and assessments on the disposal of contaminated soil, specifically soil/spoil removed from tunnelling works including PFAS-contaminated spoil from the West Gate Tunnel Project;
- (b) any and all assessments and examinations of contaminated soil/spoil, including those relating to the West Gate Tunnel Project and the Metro Tunnel Project;
- (c) correspondence, including emails, to and from government, including Ministers, to the EPA on these matters in the last 18 months, including, but not limited to —
  - (i) soil and reuse management plans including the —
    - (aa) West Gate Tunnel Project: West Zone PFAS Data Summary;
    - (bb) West Gate Tunnel Project All Zone PFAS Classification Application;
    - (cc) West Gate Tunnel Project East Zone PFAS Classification to EPA Victoria;
    - (dd) Soil and Spoil Management Plan: West Gate Tunnel Project, dated January 2018;
    - (ee) West Gate Tunnel Project Zone 400 East Major Project Classification Process Stockpile Management;
    - (ff) West Gate Tunnel Project Major Project Classification Process Storage Management: Cat A;
    - (gg) West Gate Tunnel Project Zone 302 Sampling Analysis Quality Plan Attachment 1 Tunnel Spoil Management Plan;
    - (hh) JC201 Tech Memo 010 Tunnel Spoil Management Framework;
  - (ii) waste soil classifications;
  - (iii) internal assessment reports which document the justification for issuing classifications;
  - (iv) supporting emails, drafts and reviews of each assessment report and classification prior to issuing of the classification document; and
  - (v) the EPA, the Department of Environment, Land, Water and Planning and the Department of Transport planning assessments, including impacts on homes, agriculture, waterways, schools and other community facilities, of proposed locations for the permanent storage of PFAS-contaminated spoil, including at the Maddingley Brown Coal site near Bacchus Marsh, the Ravenhall site and the Bulla site.

Debate ensued.

Question — put and agreed to.

**11 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENTS** — Mr Davis moved, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
  - (a) whether the two agreements between the People’s Republic of China and the Victorian Government, also known as the ‘Belt and Road Initiative’, are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
  - (b) the details and background of the proposed further agreement linked to the ‘Belt and Road Initiative’ and whether these are in the public interest of all Victorians;
  - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia’s foreign affairs and trade;
  - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government may seek to sign and report to the Parliament in a timely way to keep the Parliament of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;
- (2) the Committee shall consist of —
  - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
  - (b) four Council Members, comprising two Members 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;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) 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; and
- (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

Debate ensued.

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

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

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



**14 AMENDMENT 123 TO THE UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AND WHITTLESEA PLANNING SCHEME AMENDMENT C203** — Ms Symes moved, That —

- (1) pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved; and
- (2) pursuant to section 46AH of the *Planning and Environment Act 1987*, Whittlesea Planning Scheme Amendment C203 be ratified.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; 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, 4

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

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

Question agreed to.

**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 6.41 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 65 — Thursday, 18 June 2020

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

2 **PETITIONS** —

**INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 217 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management and provide recommendations to the Government in a final report.

Ordered to lie on the Table.

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**SUPPORT MUSIC VENUES** — Ms Patten presented a Petition bearing 15,690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Music Victoria to develop a package of needs-based financial assistance to protect small to mid-size enterprise music venues until they are able to trade sustainably, put in place a clear and balanced roadmap to reopen at full capacity and provide a fund to support the relaunching of the industry when COVID-19 restrictions are lifted.

Ordered to lie on the Table.

On the motion of Mr Davis, the petition was ordered to be taken into consideration on the next day of meeting.

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**AMEND THE NILLUMBIK PLANNING SCHEME** — Mr Quilty presented a Petition bearing 1 signature from a citizen of Victoria requesting that the Legislative Council call on the Government to amend the Nillumbik Planning Scheme by reinstating the land, planning and

infrastructure provisions that were in place prior to 2000, to ensure that such land will continue to be included in all altered or newly declared urban serviced districts for water, sewerage and drainage, and that those infrastructure assets are not eroded or re-directed to others at their expense, and should this action not be undertaken, to ensure that land owners can undertake mediation with the Government to negotiate for compensation on loss and damages.

Ordered to lie on the Table.

### 3 PAPERS —

**HAZELWOOD MINE FIRE INQUIRY IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS REPORT, 2019** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management’s Hazelwood Mine Fire Inquiry Implementation of recommendations and affirmations Report, 2019.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and 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:

Auditor General’s Report on Safety on Victoria’s Roads — Regional Road Barriers, June 2020 (*Ordered to be published*).

Confiscation Act 1997 — Report, 2018-19 by the Chief Commissioner of Victoria Police, pursuant to section 139A of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 51.

Surveillance Devices Act 1999 — Report, 2018-19 by the Game Management Authority, pursuant to section 30L of the Act.

Victorian Environmental Assessment Council — Assessment of Victoria’s Coastal Reserves Final Report, March 2020.

### 4 RIGHT OF REPLY — MR IAN COOK

— Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Ian Cook, Director, I Cook Foods, relating to statements made by the Hon Jenny Mikakos MLC, during Questions without Notice on 3 March 2020.

Ordered to lie on the Table and to be published.

### 5 SITTING OF THE COUNCIL

— Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 4 August 2020.

Mr Davis moved, as an amendment, That the words “Tuesday, 4 August 2020” be **omitted** with a view of **inserting** “Tuesday, 30 June 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, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; 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*)

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; 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*)

Question negatived.

Original question — That the Council, at its rising, adjourn until Tuesday, 4 August 2020 — put and agreed to.

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

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

**8 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, 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."

*Business having been interrupted at 12.00 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.

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

\* \* \* \* \*

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

- **Migrant Worker Centre – international students** — substantive question asked by Mr Davis — response from Ms Symes due Monday, 22 June 2020.
- **Security Industry inquiry** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 22 June 2020.
- **Whittlesea Council dismissal** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 June 2020.

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

**11 RESIGNATION OF PRESIDENT** — The President advised the House that he would leave the Chair and resign from the position of President, effective immediately.

**12 ELECTION OF PRESIDENT** — Pursuant to Standing Order 2.01, the Clerk announced that as there was a vacancy in the office of the President, the House would proceed to the election of a new President of the Council.

Ms Symes, addressing the Clerk, nominated Mr Elasmr to be President.

Ms Mikakos seconded the nomination.

Mr Elasmr, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Elasmr to be elected President.

The Council then calling Mr Elasmr to the Chair, he was taken out of his place by Mr Melhem and Ms Mikakos and conducted to the Chair.

The President took the Chair and made acknowledgements to the Council for the high honour that had been conferred on him.

Mr Davis, Ms Lovell, Dr Cumming, Ms Symes, Ms Mikakos, Mr Atkinson, Mr Melhem, Dr Kieu, Mr Finn and Mr Ondarchie then congratulated the President.

**13 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, 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."

Amendments proposed to be moved in Committee by Mr O'Donohue and Ms Tierney were circulated.

Question — That the reasoned amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; 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)*

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; 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)*

Question negatived.

Question — That the Bill now be read a second time — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; 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, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; 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.

Mr O'Donohue moved, That the Justice Legislation Miscellaneous Amendments Bill 2019 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by Monday, 30 November 2020.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr 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)*

NOES, 21

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; 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)*

Question negatived.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Tierney were outside the scope of the Bill —*

Ms Tierney moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Independent Broad-based Anti-corruption Commission Act 2011* to enable arrest warrants to be applied for and issued in further circumstances relating to witness summonses.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*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.]*

Bill further considered in Committee of the whole.

Bill reported with amendments, 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, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; 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, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Mrs McArthur; Ms Maxwell; 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 with amendments and requesting their agreement.

**14 COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —

- (1) Mr Elasmarr be discharged from the Privileges Committee and the Standing Committee on Economy and Infrastructure;
- (2) Ms Pulford be discharged from the House Committee;
- (3) Mr Leane be a member of the Privileges Committee and the House Committee; and
- (4) Mr Tarlamis be a member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

**15 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) 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 Grimley were circulated.

Question — put and 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 —*

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

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Bill further considered in Committee of the whole.

Bill reported with amendments, 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, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; 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, 4

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

*(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 with amendments and requesting their agreement.

- 16 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS 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.

- 17 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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 now read a second time.

On the motion of Ms Crozier, the debate was adjourned for one week.

- 18 EDUCATION AND TRAINING REFORM AMENDMENT (REGULATION OF STUDENT ACCOMMODATION) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for the registration of premises at which accommodation services are provided to students enrolled at or attending registered schools and to make minor amendments to that Act and related consequential amendments to the Child Wellbeing and Safety Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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 now read a second time.

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

- 19 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the County Court Act 1958 to establish a Drug Court Division of the County Court and to make consequential and related amendments to certain other Acts, to amend the Limitation of Actions Act 1958 in relation to previously barred causes of action relating to child abuse, to make miscellaneous amendments to the Charities Act 1978 and the Victorian Civil and Administrative Tribunal Act 1998 and to amend the Children, Youth and Families Act 2005 in relation to chairpersons and alternate chairpersons of the Youth Parole Board and for other purposes* and requesting the agreement of the Council.

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

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 now read a second time.

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

**20 ADJOURNMENT** — Ms Symes 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 10.56 p.m., adjourned until Tuesday, 4 August 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 63, 64 and 65

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### PETROLEUM LEGISLATION AMENDMENT BILL 2019

*Committed Tuesday, 16 June 2020*

*Amendments circulated: Mr Rich-Phillips (pp. 481-2)*

**Clause 1** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Mr Barton; 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)*

NOES, 22

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; 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)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 17** — put and agreed to.

**New Clause** — Mr Rich-Phillips moved Amendment No. 3.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; 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)*

NOES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; 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)*

Question negated.

**Clauses 18 and 19** — put and agreed to.

**New Clause** — Mr Rich-Phillips moved Amendment No. 4.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; 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)*

NOES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; 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)*

Question negatived.

**Clauses 20 to 33** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **WAGE THEFT BILL 2020**

*Committed Tuesday, 16 June 2020*

*Amendments circulated: Mr O'Donohue (p. 482).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 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)*

NOES, 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)*

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 100** — put and agreed to.

**Bill reported without amendments.**

\* \* \* \* \*

### **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019**

*Committed Thursday, 18 June 2020*

*Amendments circulated: Mr O'Donohue (p. 482) and Ms Tierney (pp. 482-8).*

**Clause 1** — Ms Tierney moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; 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, 2

Mr Limbrick; Mr Quilty.

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

Question agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

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

NOES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; 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)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**New Part Heading and New Clauses** — Ms Tierney moved Amendment Nos. 2 and 3.

Question — That the New Part Heading and New Clauses stand part of the Bill — put and agreed to.

**Clauses 8 to 27** — put and agreed to.

**Long Title** — Ms Tierney moved Amendment No. 4 — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

**SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020**

*Committed Thursday, 18 June 2020*

*Amendments circulated: Mr Grimley (p. 488).*

**Clause 1** — Mr Grimley moved Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**New Clause** — Mr Grimley moved Amendment No. 2.

Question — That the New Clause stands part of the Bill — put and agreed to.

**Clauses 6 to 20** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PETROLEUM LEGISLATION AMENDMENT BILL 2019**Amendments circulated by Mr Rich-Phillips

1. Clause 1, line 9, after "2021" insert "or other date approved by the Minister".
2. Clause 6, lines 25 to 27, omit all words and expressions on these lines and insert—  
 'For the definition of **moratorium period** in section 17A(5) of the Principal Act  
**substitute—**  

**"moratorium period** means the period beginning on the day on which the  
**Resources Legislation Amendment (Fracking Ban) Act 2017** comes into  
 operation and ending on the earlier of the following days—

  - (a) 30 June 2021;
  - (b) if the Minister approves another day as the final day of the moratorium  
 period and notifies the holders of all relevant authorities, that day;".'

## NEW CLAUSES

3. Insert the following New Clause to follow clause 17—  
**'17A New section 101A inserted**  

After section 101 of the Principal Act **insert—**  
**"101A Statutory condition relating to natural gas**

  - (1) Despite anything to the contrary in this Act or any condition of an authority, an authority is subject to the condition that the holder of the authority must not extract or recover natural gas from private land as part of a petroleum operation under the authority unless the holder obtains written consent from the owner of that land for the extraction or recovery.
  - (2) Despite anything to the contrary in this Act, this condition cannot be varied.
  - (3) In this section—  
**natural gas** means—
    - (a) any naturally occurring hydrocarbon in a gaseous state; or
    - (b) any naturally occurring mixture of hydrocarbons in a gaseous state.".'
4. Insert the following New Clauses to follow clause 19—  
**'19A Liability for, and rate of, royalty**
  - (1) In section 149(1) of the Principal Act, after "Minister" **insert** "and, in the case of natural gas extracted or recovered from private land, the owner of the land".
  - (2) After section 149(2) of the Principal Act **insert—**  
 "(3) In this section—  
**natural gas** means—
    - (a) any naturally occurring hydrocarbon in a gaseous state; or
    - (b) any naturally occurring mixture of hydrocarbons in a gaseous state.".'

**19B Rate of royalty**

At the end of section 150 of the Principal Act **insert—**

- "(2) If a royalty is to be paid under this Part in respect of natural gas extracted or recovered from private land, the holder of the petroleum licence must pay—
- (a) 90% of the royalty to the Minister; and
  - (b) 10% of the royalty to the owner of that land.".

## 2. WAGE THEFT BILL 2020

### Amendments circulated by Mr O'Donohue

1. Clause 2, line 11, omit "2021" and insert "2022".
2. Clause 100, line 26, omit "2022" and insert "2023".

## 3. JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019

### Amendments circulated by Mr O'Donohue

1. Clause 5, line 24, after "percentage" insert "(not exceeding 35%)".
2. Clause 5, page 4, line 15, after "(1)(a)" insert ", provided that the amended percentage does not exceed 35% of the amount of any award or settlement that may be recovered in the proceeding".

### Amendments circulated by Ms Tierney

1. Clause 1, page 2, after line 9 insert—
 

"(ca) to amend the **Independent Broad-based Anti-corruption Commission Act 2011** to enable arrest warrants to be applied for and issued in further circumstances relating to witness summonses; and".
2. Page 7, after line 25 insert the following heading—

### **"Part 4A—Amendment of Independent Broad-based Anti-corruption Commission Act 2011".**

#### NEW CLAUSES

3. Insert the following New Clauses to follow clause 7 and the heading proposed by amendment number 2—

#### **'7A Definitions**

In section 3(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**—

- (a) for the definition of **arrest warrant substitute**—

**"arrest warrant** means a warrant to arrest a person issued under—

- (a) section 139(2); or
- (b) section 141A(2); or
- (c) section 141B(2); or
- (d) section 141C(2); or
- (e) section 153(1);";

(b) **insert** the following definition—

**"audio visual link** has the same meaning as in Part IIA of the **Evidence (Miscellaneous Provisions Act) 1958;**".

#### **7B Delegations**

In section 32(5) of the **Independent Broad-based Anti-corruption Commission Act 2011**, for "and 139(1)" **substitute** ", 139(1), 141A(1), 141B(1) and 141C(1)".

#### **7C Warrant to arrest witness who fails to appear**

- (1) In section 139(4) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under this section".
- (2) In section 139(5) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "under this section".

#### **7D Bail for person arrested**

In section 140(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under section 139(2)".

#### **7E Person held in custody**

In section 141(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**, after "arrest warrant" **insert** "issued under section 139(2)".

#### **7F New Divisions 2A and 2B inserted**

After section 141 of the **Independent Broad-based Anti-corruption Commission Act 2011 insert**—

### **"Division 2A—Warrant to arrest for likely failure to comply with witness summons in certain circumstances**

#### **141A Warrant to arrest potential witness who has not yet been summoned**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and
  - (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) a witness summons has not been issued under section 120(1) in respect of the person; and
  - (d) the IBAC believes on reasonable grounds that—
    - (i) the person is about to leave, is making preparations to leave, or is likely to leave, the State; and
    - (ii) if a witness summons were issued under section 120(1), including a summons requiring immediate attendance under section 124(2), the person would be unlikely to attend before the IBAC, unless the person were arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
  - (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and

- (ii) the belief under subsection (1)(d); and
- (b) the granting of an arrest warrant is reasonable having regard to—
  - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
  - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
- (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141B Warrant to arrest witness to whom a witness summons has been issued but not served**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and
  - (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) a witness summons has been issued under section 120(1) in respect of the person but not served; and
  - (d) the IBAC believes on reasonable grounds that—
    - (i) the person is evading, attempting to evade, or likely to attempt to evade, service of the witness summons; and
    - (ii) the person is unlikely to attend before the IBAC in accordance with the witness summons, unless the person is arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
  - (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and
    - (ii) the belief under subsection (1)(d); and
  - (b) the granting of an arrest warrant is reasonable having regard to—
    - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
    - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
  - (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141C Warrant to arrest witness to whom a witness summons has been issued and served**

- (1) The IBAC may apply to a Judge of the Supreme Court for the issue of a warrant to arrest a person, if—
  - (a) the IBAC has commenced an investigation under section 60; and



- (b) as a result of the investigation, the IBAC suspects on reasonable grounds that conduct of the person constitutes corrupt conduct; and
  - (c) the person has been duly served with a witness summons issued under section 120(1); and
  - (d) the IBAC believes on reasonable grounds that the person is unlikely to attend before the IBAC in accordance with the witness summons, unless the person is arrested under an arrest warrant; and
  - (e) the person is 18 years of age or over.
- (2) A Judge of the Supreme Court may issue an arrest warrant if satisfied by evidence on oath or affirmation that—
- (a) there are reasonable grounds for—
    - (i) the suspicion under subsection (1)(b); and
    - (ii) the belief under subsection (1)(d); and
  - (b) the granting of an arrest warrant is reasonable having regard to—
    - (i) the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person; and
    - (ii) the age of the person and any mental impairment to which the person is known or believed to be subject; and
  - (c) if the person were not arrested, any information, document or thing sought to be obtained from the person would be lost and could not reasonably be obtained from any other source.

**141D Matters relating to an arrest warrant issued under section 141A(2), 141B(2) or 141C(2)**

- (1) The rules to be observed with respect to warrants to arrest under the **Magistrates' Court Act 1989** (other than section 62 or 64(2), (3) or (4)) extend and apply to an arrest warrant issued under section 141A(2), 141B(2) or 141C(2).
- (2) A person arrested under an arrest warrant issued under section 141A(2) or 141B(2) must be served with a witness summons issued under section 120(1) as soon as practicable after the arrest.
- (3) The issue of an arrest warrant under section 141A(2), 141B(2) or 141C(2), or the arrest of a person under that warrant, does not relieve the person from any liability for non-compliance with a witness summons duly served on the person before or after the arrest.

**141E Arrest warrant under section 141A, 141B or 141C may be granted by telephone or audio visual link in certain circumstances**

- (1) An application by the IBAC for an arrest warrant under section 141A(1), 141B(1) or 141C(1) may be made by telephone or audio visual link if the IBAC believes on reasonable grounds that—
  - (a) the application is urgent; and
  - (b) the person to be named in the arrest warrant is about to leave the State.
- (2) An application made by telephone or audio visual link for an arrest warrant must be supported by—
  - (a) an affidavit setting out the grounds for an arrest warrant under section 141A(1), 141B(1) or 141C(1), as the case requires, and the grounds for the belief under subsection (1), that is—

- (i) sworn or affirmed; or
  - (ii) if it is not reasonably practicable for the affidavit to be sworn or affirmed, a prepared copy of the affidavit that is not sworn or affirmed; or
- (b) if it is not reasonably practicable for an affidavit to be prepared, as much information as the Judge of the Supreme Court deciding the application considers is reasonably practicable in the circumstances, regarding—
- (i) the grounds for an arrest warrant under section 141A(1), 141B(1) or 141C(1), as the case requires; and
  - (ii) the grounds for the belief under subsection (1).
- (3) If the IBAC makes an application by telephone or audio visual link for an arrest warrant that is supported by an affidavit (whether or not sworn or affirmed), the IBAC must transmit by electronic communication a copy of the affidavit to the Judge of the Supreme Court deciding the application.
- (4) A Judge of the Supreme Court may issue an arrest warrant under section 141A(2), 141B(2) or 141C(2) on an application made by telephone or audio visual link if satisfied that—
- (a) the grounds for issuing an arrest warrant under section 141A(2), 141B(2) or 141C(2) are satisfied; and
  - (b) there are reasonable grounds for the belief under subsection (1).
- (5) If a Judge of the Supreme Court issues an arrest warrant under section 141A(2), 141B(2) or 141C(2) on an application made by telephone or audio visual link, the Judge must—
- (a) inform the IBAC of the issue of the arrest warrant; and
  - (b) if practicable, transmit by electronic communication a copy of the arrest warrant to the IBAC.
- (6) If it is not practicable to transmit by electronic communication a copy of the arrest warrant to the IBAC, the Judge may direct the IBAC to—
- (a) complete a form of arrest warrant in the terms stated to the IBAC by the Judge of the Supreme Court and write on it the name of the Judge and the date on which and the time at which the arrest warrant was issued; and
  - (b) provide the form of arrest warrant completed by the IBAC to the Judge of the Supreme Court as soon as practicable.
- (7) If the IBAC makes an application to a Judge of the Supreme Court by telephone or audio visual link for an arrest warrant, whether or not an arrest warrant is issued, the IBAC must provide to the Judge, not later than the day following the day on which the application was made, a sworn or affirmed affidavit setting out the grounds for the arrest warrant in the same terms stated by the IBAC under subsection (2).
- (8) If an application under section 141A(1), 141B(1) or 141C(1) is made by telephone or audio visual link and the application is supported by a prepared affidavit specified in subsection (2)(a)(ii) or information specified in subsection (2)(b), a Judge of the Supreme Court may issue an arrest warrant under section 141A(2), 141B(2) or 141C(2) despite the evidence not being given under oath or affirmation.

**141F Person arrested must be brought before the Supreme Court or Magistrates' Court**

- (1) A person arrested under an arrest warrant issued under section 141A(2), 141B(2) or 141C(2) must be brought, as soon as practicable, before the Supreme Court or

the Magistrates' Court and the Supreme Court or the Magistrates' Court (as the case requires) may—

- (a) discharge the person from custody on bail in accordance with the **Bail Act 1977** as if the person had been accused of an offence; or
  - (b) subject to subsection (2), order the continued detention of the person in a prison or police gaol, for the purpose of ensuring the person's attendance before the IBAC, for a specified period not exceeding 24 hours or until the person is excused by the IBAC, whichever is earlier; or
  - (c) order that the person be discharged from custody unconditionally.
- (2) The Supreme Court or the Magistrates' Court must not make an order under subsection (1)(b) unless the Supreme Court or the Magistrates' Court (as the case requires) is satisfied that—
- (a) detention of the person is necessary for the purpose of ensuring the person's attendance before the IBAC for the purposes of a witness summons issued under section 120(1); and
  - (b) the IBAC is taking all reasonable steps to schedule the attendance as soon as is practicable.
- (3) If a person is detained in a prison in accordance with an order made under subsection (1)(b), the IBAC may give a written direction for the person to be delivered into the custody of a police officer for the purpose of bringing the person before the IBAC.
- (4) If a person is detained in accordance with an order made under subsection (1)(b), the IBAC must, before the expiration of the period of detention specified in the order—
- (a) release the person from custody unconditionally; or
  - (b) cause the person to be again brought before the Supreme Court or the Magistrates' Court.
- (5) If a person is brought before the Supreme Court or the Magistrates' Court in accordance with subsection (4)(b), the Supreme Court or the Magistrates' Court (as the case requires) may exercise any of the powers set out in subsection (1).

#### **Note**

A person discharged or released from custody unconditionally is not relieved from any obligation to comply with a witness summons requiring attendance at a later date.

### **Division 2B—General provisions in respect of arrest warrant issued under Division 2 or 2A**

#### **141G Person arrested under arrest warrant issued under Division 2 or 2A to be given opportunity to seek legal advice or legal representation**

- (1) Subject to section 127 and subsection (2), the IBAC is required to give a person arrested under an arrest warrant issued under Division 2 or 2A a reasonable opportunity to seek legal advice or obtain legal representation before the time specified for the person to attend before the IBAC in accordance with a witness summons issued under section 120(1).
- (2) Despite section 127(6), if the IBAC gives a direction under section 127(2), the IBAC is not required to allow the person bound by the direction at least 3 days from the receipt of the direction to obtain legal advice or representation by another Australian legal practitioner before the person is required to attend before the IBAC in accordance with the witness summons issued under section 120(1)."

**7G Report to Victorian Inspectorate on issue of arrest warrant**

In section 142 of the **Independent Broad-based Anti-corruption Commission Act 2011**, for "this Division" substitute "Division 2 or 2A".

**7H New Part 10 inserted**

After section 198 of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

**"Part 10—Transitional provisions****199 Transitional provision—Justice Legislation Miscellaneous Amendments Act 2020**

- (1) The amendments made to this Act by the **Justice Legislation Miscellaneous Amendments Act 2020** apply to an investigation under section 60 of this Act on or after the commencement of the **Justice Legislation Miscellaneous Amendments Act 2020** regardless of whether the investigation commenced prior to that commencement.
- (2) The IBAC may apply for an arrest warrant to be issued under section 141B(2) or 141C(2) in respect of a witness summons issued under section 120(1) prior to that commencement for the purposes of the investigation.".

4. Long title, before "the **Local**" insert "the **Independent Broad-based Anti-corruption Commission Act 2011**".

**4. SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020***Amendments circulated by Mr Grimley*

1. Clause 1, line 7, after "others" insert "and to require a review of the amendments made by this Act to be undertaken".

## NEW CLAUSE

2. Insert the following New Clause to follow clause 5—  
**"5A New section 116A inserted**

After section 116 of the **Sentencing Act 1991** insert—

**"116A Review of amendments made by Sentencing Amendment (Emergency Worker Harm) Act 2020**

- (1) The Minister must cause a review to be undertaken of the operation and effectiveness of the amendments made by the **Sentencing Amendment (Emergency Worker Harm) Act 2020** as soon as practicable after the period of 12 months after the day on which that Act came into operation.
- (2) The Minister must cause a report on the outcome of the review to be laid before each House of Parliament as soon as practicable after the review is completed.".