



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 79 — Friday, 30, October 2020

*Proof Version*

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PAPERS** —

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

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

Darebin Planning Scheme — Amendments C193 and C194.

Frankston Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendments C373 and C399.

Moonee Valley Planning Scheme — Amendment C216.

Surf Coast Planning Scheme — Amendment C125.

A Statutory Rule under the Liquor Control Reform Act 1998 — No. 119.

3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 November 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 9 November 2020, and the President will notify members of any changes to the next sitting date.

Debate ensued.

Question — put and agreed to.

4 **ENVIRONMENT PROTECTION (MANAGEMENT OF TUNNEL BORING MACHINE SPOIL) REGULATIONS 2020 — DISALLOWANCE** — Debate resumed on the question, That this House, pursuant to section 71(4) of the *Environment Protection Act 1970* and section 23 of the *Subordinate Legislation Act 1994*, disallows, in full, the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 which were gazetted on 30 June 2020 and tabled in this House on 4 August 2020.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Dr Cumming; 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, 21

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

Question negatived.

**5 PRODUCTION OF DOCUMENTS — PUBLIC HEALTH AND OTHER ORDERS** — Mr Davis moved, That this House —

(1) notes —

(a) the resolution of the House of 2 September 2020 requiring the production of briefs relating to the public health and other orders made under the *Public Health and Wellbeing Act 2008* and other Acts;

(b) the resolution of the House of 16 September 2020 requiring the production of documents relating to the decision to impose a COVID-19 curfew;

(2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council —

(a) within one week of the House agreeing to this resolution, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health, relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*, that relate to the decision to allow public attendance at the Cox Plate and subsequent decisions to block attendance;

(b) within two weeks of the House agreeing to this resolution, all other briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all other briefs provided to or signed by the Minister for Health made since 20 August 2020 relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*; and

(c) within 48 hours of an order being made during the period in which the State of Emergency remains in operation, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health relating to the public health and other orders made from the day the House agrees to this resolution under the *Public Health and Wellbeing Act 2008*.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to a temporary Sessional Order agreed to on 27 October 2020, had elapsed —*

Question — put and agreed to.

**6 SUBURBAN RAIL LOOP BUSINESS CASE** — Mr Davis moved, That this House —

(1) notes that —

(a) the Suburban Rail Loop is the most expensive infrastructure project in the State's history;

(b) Infrastructure Victoria has not reported on the risks and cost-benefits of the proposed Suburban Rail Loop; and

(2) considers it prudent that the Andrews Labor Government completes a full, detailed business case for the proposed Suburban Rail Loop and makes this public.

Debate ensued.

Question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.

**8 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

*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.

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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:

- **IBAC funding** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Wednesday, 4 November 2020.
- **Drug driving testing** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Wednesday, 4 November 2020.
- **Local Government funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Wednesday, 4 November 2020.
- **Mask wearing policy** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Wednesday, 4 November 2020.
- **IBAC funding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Wednesday, 4 November 2020.

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**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 14 as follows:

- **I Cook Foods closure** — supplementary question asked by Ms Crozier — response from Ms Symes due Monday, 2 November 2020.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 11 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

- 12 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) 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 4.00 p.m. pursuant to Sessional Orders —*

- 13 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.31 p.m., adjourned until Tuesday, 10 November 2020.

ANDREW YOUNG  
*Clerk of the Legislative Council*