



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 94 — Friday, 19 February 2021

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- 1 The President took the Chair at 9.20 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
 - Municipal Association of Victoria — Report, 2019-20.
 - Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2017-18 and 2018-19 financial and performance outcomes.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
 - Alpine, Alpine Resorts, Ararat, Ballarat, Banyule, Bass Coast, Baw Baw, Bayside, Benalla, Boroondara, Brimbank, Buloke, Campaspe, Cardinia, Casey, Central Goldfields, Colac Otway, Corangamite, Darebin, East Gippsland, Frankston, French Island and Sandstone Island, Gannawarra, Glen Eira, Glenelg, Golden Plains, Greater Bendigo, Greater Dandenong, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Hobsons Bay, Horsham, Hume, Indigo, Kingston, Knox, Latrobe, Loddon, Macedon Ranges, Manningham, Mansfield, Maribyrnong, Maroondah, Melbourne, Melton, Mildura, Mitchell, Moira, Monash, Moonee Valley, Moorabool, Moreland, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Nillumbik, Northern Grampians, Port of Melbourne, Port Phillip, Pyrenees, Queenscliffe, South Gippsland, Southern Grampians, Stonnington, Strathbogrie, Surf Coast, Swan Hill, Towong, Wangaratta, Warrnambool, Wellington, West Wimmera, Whitehorse, Whittlesea, Wodonga, Wyndham, Yarra, Yarra Ranges, Yarriambiack Planning Schemes — Amendment GC175.
 - Cardinia Planning Scheme — Amendment C249.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 8/2021 and 9/2021.
 - 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
 - 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.
 - 5 **SUMMARY OFFENCES AMENDMENT (DECriminalISATION OF PUBLIC DRUNKENNESS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.
Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until —

- (1) further consultation is undertaken with primary stakeholders, particularly the Police Association of Victoria, Ambulance Victoria and relevant health service providers;
- (2) a comprehensive, fully developed and funded support program to deal with alcohol affected individuals is agreed to by all stakeholders and is established and ready to operate; and
- (3) community safety concerns are addressed including the implementation of alternative police powers to manage public drunkenness.”.

Debate ensued.

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

6 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:

- **Duck hunting season** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 23 February 2021.
- **Worksafe investigation power** — supplementary question asked by Mr O’Donohue — response from Ms Stitt due Tuesday, 23 February 2021.
- **Worksafe hotel quarantine inspections** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Stitt due Monday, 22 February 2021.
- **COVID-19 five day lockdown** — supplementary question asked by Mr Limbrick — response from Ms Symes due Monday, 22 February 2021.

7 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.

8 MESSAGE FROM ASSEMBLY — SPECIAL SITTING — The President read a Message from the Assembly inviting members of the Legislative Council to attend an Assembly sitting at the Royal Exhibition Buildings, Melbourne on Tuesday 2 March 2021 at 10.00 am to hear addresses by the Chair of the Royal Commission into Victoria’s Mental Health System Penny Armytage AM, Professor Patrick McGorry AO and members of the Victorian community with lived experience of mental illness.

9 SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020 — Debate continued 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 House refuses to read this Bill a second time until —

- (1) further consultation is undertaken with primary stakeholders, particularly the Police Association of Victoria, Ambulance Victoria and relevant health service providers;
- (2) a comprehensive, fully developed and funded support program to deal with alcohol affected individuals is agreed to by all stakeholders and is established and ready to operate; and
- (3) community safety concerns are addressed including the implementation of alternative police powers to manage public drunkenness.”.

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

The Council divided — The President in the Chair.

AYES, 9

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mr O’Donohue; 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 Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; Dr Ratnam; 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.

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

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; Dr Ratnam; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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NOES, 9

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mr O'Donohue; 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.

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

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

- 10 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 March 2021 at 12.00 noon.

Question — put and agreed to.

- 11 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

- 12 CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975 to constrain the power of the Parliament to make laws repealing, altering or varying certain provisions that prohibit hydraulic fracturing and coal seam gas exploration and mining and for other purposes* and requesting the agreement of the Council.

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

- 13 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 in relation to state of emergency declarations in respect of the COVID-19 pandemic and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes, 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.

Mr Davis moved That the debate be adjourned until the Bill has been considered by the Legal and Social Issues Committee, and the Committee has held a hearing or hearings, taken evidence and reported by Tuesday, 2 March 2021, on the suitability of repeated long-term extensions to the State of Emergency and whether directions made under the *Public Health and Wellbeing Act 2008* that relate to hotel quarantine, or other COVID-19 specific public health measures, might more suitably be supported by legislation specifically relating to hotel quarantine or those measures.

Debate ensued.

Ms Symes moved, as an amendment, That all the words after “That” be **omitted** and replaced with the words “debate on this Bill be adjourned for one week.”.

Question — That the amendment moved by Ms Symes be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Dr Ratnam; 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)

NOES, 14

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; 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.

Question — That the motion, amended as follows, be agreed to — That debate on this Bill be adjourned for one week — put and agreed to.

- 14 SPENT CONVICTIONS BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a scheme for certain convictions to become spent in Victoria and non-disclosable on a person's criminal record unless in specific circumstances, to consequentially amend the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

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

- 15 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 6.30 p.m., adjourned until Tuesday, 2 March 2021.

ANNE SARGENT

Acting Clerk of the Legislative Council