



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 86, 87 and 88

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#### No. 86 — Tuesday, 8 December 2020

- 1 The President took the Chair at 11.06 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
  1. **Order of Business today**  
The Order of Business today will be —
    - Messages
    - Questions
    - Answers to Questions on Notice
    - Constituency Questions (up to 15 Members)
    - Formal Business
    - Members' Statements (up to 15 Members)
    - Government Business
    - At 10.00 p.m.** Adjournment (up to 20 Members).
  2. **Sitting of the House on Thursday**  
The sitting of the Council, on Thursday, 10 December 2020, to commence at 10.00 a.m.  
Question — put and agreed to.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - On 1 December 2020 —
    - Energy Legislation Amendment (Licence Conditions) Act 2020*
    - Food Amendment Act 2020*
    - Marine Safety Amendment (Better Boating Fund) Act 2020*
    - Parks and Crown Land Legislation Amendment Act 2020*
    - Transport Legislation Amendment Act 2020*
  - On 8 December 2020 —
    - Human Tissue Amendment Act 2020*
    - Justice Legislation Amendment (Drug Court and Other Matters) Act 2020.*
- 4 **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:

- **Credit rating impact on State's interest payments** — substantive question asked by Mr Rich-Phillips — response from Ms Symes due Thursday, 10 December 2020.
- **Cameras in rideshare vehicles** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 10 December 2020.
- **Management of new hotel quarantine program** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 10 December 2020.
- **Native timber protests** — supplementary question asked by Mr Bourman — response from Ms Symes due Wednesday, 9 December 2020.

**5 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.

**6 PETITIONS** —

**REINSTATE THE IVANHOE BOULEVARD CHRISTMAS LIGHTS** — Dr Bach presented a Petition bearing 254 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Local Government to direct the Banyule City Council Mayor, Rick Garotti, to reinstate the Ivanhoe Boulevard Christmas lights display for Christmas 2020.

Ordered to lie on the Table.

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

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**AMEND MANDATORY FACE MASK RULE DURING COVID-19** — Dr Cumming presented a Petition bearing 906 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the rule for the mandatory wearing of a face mask, limiting the mandate to indoor areas and public transport only, for the remainder of the special COVID-19 provisions.

Ordered to lie on the Table.

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

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**OVERBRIDGE FOR TARNEIT RAILWAY STATION** — Mr Finn presented a Petition bearing 244 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Public Transport, the Honourable Ben Carroll, to facilitate the construction of an overbridge connecting Platforms 1 and 2 at Tarneit Railway Station.

Ordered to lie on the Table.

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

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**INITIAL TEACHER EDUCATION (ITE) PROGRAMS** — Mr Grimley presented a Petition bearing 627 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Education and Training to intervene and support the establishment of one or more Initial Teacher Education programs in Victoria that are capable of producing a sustainable supply of high-quality and professionally qualified Victorian Institute of Teaching registered Vocational Education and Training and Technologies teachers to resource Victorian schools.

Ordered to lie on the Table.

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**ACCESS TO RATE ASSISTANCE FOR RATEPAYERS** — Mr Hayes presented a Petition bearing 86 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to undertake to make no changes to the *Local Government Act 1989* that removes the right to hardship assistance, work with local councils to review and redraft their policies, by 30 December 2020, relating to rate payment assistance to reflect section 171A of

the *Local Government Act 1989*, and require local councils to issue public apologies for their misuse of the term 'hardship' and to report the number of hardship applications received and granted at each local council meeting.

Ordered to lie on the Table.

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**IMPLEMENT RECOMMENDATIONS FROM POLICE CORRUPTION AND MISCONDUCT INQUIRY** — Mr Limbrick presented a Petition bearing 149 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently consider and implement the recommendations delivered in the Independent Broad-based Anti-corruption Commission Committee's 2018 report on their *Inquiry into the external oversight of police corruption and misconduct in Victoria*.

Ordered to lie on the Table.

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**HOSPITAL RESTRICTIONS ON DOULAS DURING COVID-19** — Mr Limbrick presented a Petition bearing 518 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health, the Honourable Martin Foley, and the Department of Health and Human Services to urgently review hospital restrictions imposed during the COVID-19 pandemic and allow doulas to be present as part of the maternal care team in the birthing of a woman's baby.

Ordered to lie on the Table.

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**HEALTH SERVICES IN ALPINE SHIRE AND SURROUNDS** — Ms Maxwell presented a Petition bearing 316 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health to investigate the current state of health services in the Alpine Shire and its surrounding areas and make the necessary changes required to ensure that adequate and quality health services can be provided.

Ordered to lie on the Table.

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**MICKLEHAM ROAD AND SOMERTON ROAD INFRASTRUCTURE** — Ms Patten presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

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

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**SUPPORT MUSIC VENUES** — Ms Patten presented a Petition bearing 2,173 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 re-open 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 Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.

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**RE-OPEN THE HOSPITALITY INDUSTRY SAFELY DURING THE CURRENT STATE OF EMERGENCY** — Mr Quilty presented a Petition bearing 6 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allow the hospitality sector to re-open safely with previous stage two restrictions being the maximum imposed.

Ordered to lie on the Table.

## 7 PAPERS —

**COMMUNITY PETITION TO INTRODUCE STRINGENT LAWS FOR VICTIMS OF STALKING AND VIOLENCE** — Ms Maxwell moved, by leave, That there be laid before this House a copy

of the Paper titled Community Petition to Introduce stringent laws for victims of stalking and violence.

Question — put and agreed to.

The Paper was presented by Ms Maxwell and ordered to lie on the Table.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 13 of 2020 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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

Question — put and agreed to.

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**ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS** — Pursuant to section 37(3)(c) of the *Inquiries Act 2004*, the Clerk laid on the Table the Final Report of the Royal Commission into the Management of Police Informants, November 2020.

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**OMBUDSMAN — ANNUAL REPORT 2019-20, INCLUDING ANNUAL PLAN 2020-21** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table the Ombudsman's Annual Report 2019-20, including Annual Plan 2020-21.

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

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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:

Adult, Community and Further Education Board — Report, 2019-20.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(4) in relation to Statutory Rule Nos. 96 and 105 (*Gazette No. G43, 29 October 2020*).

Liquor Control Reform Act 1998 — Report, 2019-20 by the Chief Commissioner of Victoria Police, under section 148R of the Act.

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

Ballarat Planning Scheme — Amendment C222.

Colac Otway Planning Scheme — Amendment C97.

Darebin Planning Scheme — Amendment C195.

East Gippsland Planning Scheme — Amendment C160.

Greater Bendigo Planning Scheme — Amendment C222.

Greater Geelong Planning Scheme — Amendments C396 and C413.

Latrobe Planning Scheme — Amendment C125.

Manningham Planning Scheme — Amendment C132.

Melbourne Planning Scheme — Amendment C370.

Mornington Peninsula Planning Scheme — Amendment C277.

Port Phillip Planning Scheme — Amendment C171.

Victoria Planning Provisions — Amendments VC180, VC187 and VC190.

Statutory Rules under the following Acts of Parliament —

Cladding Safety Victoria Act 2020 — No. 133.

Public Health and Wellbeing Act 2008 — No. 132.

Supreme Court Act 1986 — Legal Profession Uniform Law (Victoria) — No. 131.

Water Act 1989 — No. 130.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 131 and 132.

Legislative instruments and related documents under section 16B in respect of —

Orders in Council of 15 October 2020 to vary five existing designated area orders under the Liquor Control Reform Act 1998.

Specification of 30 November 2020 of Vehicle Fees and Charges for Overdimensional Vehicles Crossing Tracks under the Transport (Compliance and Miscellaneous) Act 1983.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for advice on aspects of public land use information, under section 26C of the Act.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Cladding Safety Victoria Act 2020 — Whole Act (other than Sections 57A, 57B, 57C, 57D, 57E, 57F and 58A) — 1 December 2020 — Remaining Provisions of the Act — 1 February 2021 (*Gazette No. S624, 1 December 2020*).

Police and Emergency Legislation Amendment Act 2020 — Whole Act (other than Sections 3 and 4 and Parts 4 and 5) — 2 December 2020 (*Gazette No. S624, 1 December 2020*).

**8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 9 December 2020 —

- (1) Order of the Day No. 50, resumption of debate on the motion relating to taxi compensation;
- (2) Notice of Motion No. 436 standing in the name of Mr Davis revoking Moorabool Planning Scheme Amendment C95;
- (3) the notice of motion given this day by Mr Davis on Australia's dispute with the Chinese Communist Party over its use of fake images;
- (4) the notice of motion given this day by Mr Limbrick on vaping; and
- (5) the notice of motion given this day by Mr Quilty on the right to protest.

Question — put and agreed to.

**9 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.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

**11 STATE TAXATION ACTS AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Suggested Amendments proposed to be moved in Committee by Mr Rich-Phillips (*GRP21C*) 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, 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.

**12 APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

*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 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.

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for quarantine fees and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney, the Bill was read a first time.

Pursuant to Standing Order 14.34, Ms Tierney declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

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

Debate ensued.

Amendments proposed to be moved in Committee by Mr O'Donohue (*EOD38C*) were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; 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)*

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.

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 Tierney 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 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.

**14 ADJOURNMENT** — Ms Tierney 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 11.03 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 87 — Wednesday, 9 December 2020

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — DISCRIMINATION IN PUBLIC SCHOOL CHAPLAIN APPOINTMENTS —** Ms Patten presented a Petition bearing 370 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop advertisements for public school chaplaincy roles from excluding non-Christian applicants and require School Chaplaincy Providers to select school chaplains on merit, irrespective of their religious affiliation or non-affiliation.  
Ordered to lie on the Table.  
On the motion of Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.
- 3 **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 —
    - Sexual Harassment in Local Government, December 2020 (*Ordered to be published*).
    - Systems and Support for Principal Performance, December 2020 (*Ordered to be published*).
  - Commission for Children and Young People — Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care (*Ordered to be published*).
  - Community Visitors — Report, 2019-20 (*Ordered to be published*).
  - Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2019-20.
  - Public Health and Wellbeing Act 2008 — Report to Parliament on the Extension of the Declaration of a State of Emergency, under section 198(8A) of the Act.
  - Victorian Fisheries Authority — Report, 2019-20.
  - Victorian Ports Corporation (Melbourne) — Report, 2019-20.
- 4 **EXTENSION OF GENERAL BUSINESS TODAY —** Mr Davis moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the time for the consideration of General Business today to be extended by up to 20 minutes and require the Chair to interrupt business no later than 5.35 p.m. for Statements on Reports, Papers and Petitions.  
Question — put and agreed to.
- 5 **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.
- 6 **TAXI AND HIRE CAR LICENCES —** Debate resumed on the question, That this House —
  - (1) acknowledges that —
    - (a) in 1998, the High Court of Australia determined that a taxi licence was a valuable item of property;
    - (b) since the commencement of the *Commercial Passenger Vehicle Industry Act 2017*, the revocation of perpetual Victorian taxi and hire car licences amounted to a compulsory government asset acquisition;
    - (c) the revocation of perpetual Victorian taxi and hire car licences for a fraction of their worth constitutes a breach of the *Charter of Human Rights and Responsibilities Act 2006*;
    - (d) arbitrary transition assistance payments in lieu of some, but not all, perpetual Victorian taxi and hire car licences was grossly inadequate and unfair;
    - (e) the deregulation of the industry in 2017 has —
      - (i) created a glut of commercial passenger vehicles on our roads;
      - (ii) reduced driver income to well below minimum wage;
      - (iii) threatened the economic viability of the industry;
      - (iv) caused worsening traffic congestion;

- (2) calls on the Andrews Government to —
- (a) accept a financial proposal to properly compensate the industry for the compulsory asset acquisition of all perpetual Victorian taxi and hire car licences;
  - (b) make adjustments to the commercial passenger vehicle industry structure to better balance market components and end driver exploitation; and
  - (c) support a recovery plan to build back and move the commercial passenger vehicle industry forward through COVID-19.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Ms Patten; Dr Ratnam.

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; 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 agreed to.

- 7 REVOCATION OF MOORABOOL PLANNING SCHEME AMENDMENT C95** — Mr Davis moved, That this House, pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment C95 to the Moorabool Planning Scheme.

Debate ensued.

*The Deputy 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Dr Ratnam.

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

NOES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Limbrick; 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.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 453, be postponed until later this day.

- 9 NICOTINE VAPING** — Mr Limbrick moved, That this House notes that —

- (1) according to the Australian Institute of Health and Welfare, smoking was responsible for 9.3 per cent of the total burden of disease in Australia in 2015 and for more than one in every eight deaths;
- (2) the *Australian Institute of Health and Welfare's National Drug Strategy Household Survey 2019* Report shows that despite a de facto ban on nicotine e-liquids, the rate of vaping has more than doubled since 2016, with 2.5 per cent of the population aged 14 years and over now using e-cigarettes;
- (3) the Report showed that vaping is primarily used as a quitting tool by smokers, with 44 per cent using it to quit, 32 per cent to cut down on smoking, 23 per cent to avoid relapse and 27 per cent to reduce harm from smoking;



- (4) according to the United Kingdom's Royal College of Physicians, nicotine vaping is at least 95 per cent safer than smoking;
- (5) regulation needs to strike the right balance between providing access for addicted smokers, while enforcing a minimum age of sale and strict penalties to discourage uptake by youth; and calls on the Government to support tobacco harm reduction by nicotine vaping as a safer alternative for smokers who are unable to quit through other methods and legalise nicotine liquid for vaping as a consumer product with appropriate and risk-proportionate regulations.

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

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

**HARDWOOD TIMBER INDUSTRY** — Ms Symes having given an answer to a question without notice relating to the hardwood timber industry —

On the motion of Ms Bath, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

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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:

- **Permit system for public protests** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 11 December 2020.
- **Veterans' housing** — substantive and supplementary questions asked by Dr Cumming — response from Ms Stitt due Friday, 11 December 2020.

**11 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.

**12 NICOTINE VAPING** — Debate continued on the question, That this House notes that —

- (1) according to the Australian Institute of Health and Welfare, smoking was responsible for 9.3 per cent of the total burden of disease in Australia in 2015 and for more than one in every eight deaths;
- (2) the *Australian Institute of Health and Welfare's National Drug Strategy Household Survey 2019* Report shows that despite a de facto ban on nicotine e-liquids, the rate of vaping has more than doubled since 2016, with 2.5 per cent of the population aged 14 years and over now using e-cigarettes;
- (3) the Report showed that vaping is primarily used as a quitting tool by smokers, with 44 per cent using it to quit, 32 per cent to cut down on smoking, 23 per cent to avoid relapse and 27 per cent to reduce harm from smoking;
- (4) according to the United Kingdom's Royal College of Physicians, nicotine vaping is at least 95 per cent safer than smoking;
- (5) regulation needs to strike the right balance between providing access for addicted smokers, while enforcing a minimum age of sale and strict penalties to discourage uptake by youth; and calls on the Government to support tobacco harm reduction by nicotine vaping as a safer alternative for smokers who are unable to quit through other methods and legalise nicotine liquid for vaping as a consumer product with appropriate and risk-proportionate regulations.

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

Question — put and agreed to.

**13 RIGHT TO PROTEST** — Mr Quilty moved, That this House —

- (1) notes that —
  - (a) free assembly and expression are fundamental and well-recognised human rights, essential to the functioning of a free and democratic society, as recognised in —
    - (i) Articles 19 and 20 of the United Nations' *Universal Declaration of Human Rights*, adopted by the UN with Australia's support;

- (ii) Articles 19 and 21 of the *International Covenant on Civil and Political Rights* to which Australia is a signatory;
- (iii) rulings of the High Court of Australia, including the 1997 *Lange v Australian Broadcasting Corporation* case, which accepts that Australians enjoy an implied freedom of political communication;
- (iv) sections 15 and 16 of the *Charter of Human Rights and Responsibilities Act 2006*;
- (b) Australian law and the High Court decision in *Lange* recognises that certain measures may limit these rights but such limitations must be reasonably appropriate and adapted to a legitimate purpose;
- (c) public health restrictions throughout the pandemic restricted the right to free assembly and provided no reasonable way for protesters to gather safely and in compliance with the law;
- (2) calls on the Government to restore and protect the right to free assembly in Victoria by —
  - (a) relaxing restrictions as far as is necessary;
  - (b) providing clear guidance on how the right to protest may be lawfully exercised in Victoria; and
  - (c) ensuring that future public health directions allow for protesting to be a legitimate reason to leave the home.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Mr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

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

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; 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.

- 14 AUSTRALIA'S DISPUTE WITH THE CHINESE COMMUNIST PARTY OVER ITS USE OF FAKE IMAGES** — Mr Davis moved, That this House does not support the use of doctored fake images of Australian soldiers by the Chinese Communist Party as a continuing campaign attacking Australia's interests.

*Business having been interrupted pursuant an Order of the Council earlier this day, the debate stood adjourned in the name of Mr Davis.*

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

- 16 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Public Health and Wellbeing Amendment (Quarantine Fees) Act 2020.*

- 17 ADJOURNMENT** — Mr Leane 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 6.06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 88 — Thursday, 10 December 2020

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

**INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 967 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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**VICTORIAN BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 213 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to recognise the increase in operational costs and demands that Victoria's bush nursing centres constantly face and to immediately and properly resource bush nursing centres.

Ordered to lie on the Table.

3 **DRUGS AND CRIMINAL PROCEDURE LEGISLATION AMENDMENT (DIVERSION REFORM)**

**BILL 2020** — Mr Limbrick introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 and the Criminal Procedure Act 2009 to provide for the use and possession of small quantities of drugs to be dealt with through diversion programs and for other purposes.*

On the motion of Mr Limbrick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS —**

**EMERGENCY MANAGEMENT VICTORIA — PARTNERSHIPS VICTORIA MOBILE DATA NETWORK CONTRACT EXTENSION — PROJECT SUMMARY** — Ms Tierney moved, by leave, That there be laid before this House a copy of Emergency Management Victoria's Partnerships Victoria Mobile Data Network Contract Extension — Project Summary, December 2019.

Question — put and agreed to.

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

\* \* \* \* \*

**VICTORIA LAW FOUNDATION REPORT, 2019-20** — Ms Tierney moved, by leave, That there be laid before this House a copy of Victoria Law Foundation Report, 2019-20.

Question — put and agreed to.

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

\* \* \* \* \*

**VISIT VICTORIA REPORT, 2019-20** — Ms Pulford moved, by leave, That there be laid before this House a copy of Visit Victoria Limited Report, 2019-20.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

\* \* \* \* \*

**SUSTAINABILITY FUND 2019-20 ACTIVITIES REPORT** — Mr Leane moved, by leave, That there be laid before this House a copy of the 2019-20 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE PERFORMANCE OF VICTORIAN INTEGRITY AGENCIES 2017/18-2018/19** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Shing presented a Report from the Integrity and Oversight Committee on the Inquiry into the performance of Victorian integrity agencies 2017/18-2018/19 (including Appendix), and further presented Transcripts of Evidence.

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

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

- Accident Compensation Conciliation Service — Report, 2019-20.
- Administrator of National Health Funding Pool – Victoria State Pool Account — Report, 2019-20.
- Adult Parole Board of Victoria — Report, 2019-20.
- Agriculture Victoria Services Pty Ltd — Report, 2019-20.
- Albury Wodonga Health — Report, 2019-20.
- Alexandra Health Service — Report, 2019-20.
- Alfred Health — Report, 2019-20.
- Alpine Health — Report, 2019-20.
- Alpine Resorts Co-ordinating Council — Report, 2019-20.
- Ambulance Victoria — Report, 2019-20.
- Architects Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.
- Austin Health — Report, 2019-20.
- Australian Grand Prix Corporation — Report, 2019-20.
- Australian Health Practitioner Regulation Agency — Report, 2019-20.
- Bairnsdale Regional Health Service — Report, 2019-20.
- Ballarat General Cemeteries Trust — Report, 2019-20.
- Ballarat Health Services — Report, 2019-20.
- Barwon Health — Report, 2019-20.
- Barwon Region Water Corporation — Report, 2019-20.
- Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.
- Bass Coast Health — Report, 2019-20.
- Beaufort and Skipton Health Service — Report, 2019-20.
- Beechworth Health Service — Report, 2019-20.
- Benalla Health — Report, 2019-20.
- Bendigo Cemeteries Trust — Minister's report of receipt of the 2019-20 report.
- Bendigo Health — Report, 2019-20.
- Boort District Health — Report, 2019-20.
- Calvary Health Care Bethlehem Limited — Report, 2019-20.
- Casterton Memorial Hospital — Report, 2019-20.
- Castlemaine Health — Report, 2019-20.
- Central Gippsland Health Service — Report, 2019-20.
- Central Gippsland Region Water Corporation — Report, 2019-20.
- Central Highlands Region Water Corporation — Report, 2019-20.
- Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2018, under section 52 of the Act.
- Cohuna District Hospital — Report, 2019-20.
- Colac Area Health — Report, 2019-20.
- Coliban Region Water Corporation — Report, 2019-20.
- Commercial Passenger Vehicle Commission — Report, 2019-20.
- Commission for Children and Young People — Report, 2019-20 (*Ordered to be published*).
- Commissioner for Environmental Sustainability Act 2003 —  
  - Victorian Government response to the State of the Environment 2018 report.
  - Victorian Government response to the State of the Yarra and its Parklands 2018 report.
- Commissioner for Environmental Sustainability Victoria — Minister's report of receipt of the 2019-20 report.
- Confiscation Act 1997 — Asset Confiscation Operations Report, 2019-20.
- Consumer Affairs Victoria — Report, 2019-20 (*Ordered to be published*).

Consumer Policy Research Centre — Report, 2019-20.  
Corangamite Catchment Management Authority — Report, 2019-20.  
Coronial Council of Victoria — Report, 2019-20.  
Corryong Health — Report, 2019-20.  
Country Fire Authority (CFA) — Report, 2019-20.  
Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31 by the Australian Criminal Intelligence Commission.  
Dairy Food Safety Victoria — Report, 2019-20.  
Dental Health Services Victoria — Report, 2019-20.  
Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2019-20 report.  
Disability Services Commissioner — Report, 2019-20.  
Djerriwarrh Health Services — Report, 2019-20.  
East Gippsland Catchment Management Authority — Report, 2019-20.  
East Gippsland Region Water Corporation — Report, 2019-20.  
East Grampians Health Service — Report, 2019-20.  
East Wimmera Health Service — Report, 2019-20.  
Echuca Regional Health — Report, 2019-20.  
Edenhope and District Memorial Hospital — Report, 2019-20.  
Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2019-20.  
Emergency Services Telecommunications Authority (ESTA) — Report, 2019-20.  
Energy Safe Victoria — Report, 2019-20.  
Environment Protection Authority (EPA) — Report, 2019-20.  
Essential Services Commission — Report, 2019-20.  
Fed Square Pty Ltd — Report, 2019-20.  
Forensic Leave Panel — Report, 2019-20.  
Game Management Authority — Report, 2019-20.  
Geelong Cemeteries Trust — Report, 2019-20.  
Geelong Performing Arts Centre Trust — Report, 2019-20.  
Geoffrey Gardiner Dairy Foundation Limited — Report, 2019-20.  
Gippsland and Southern Rural Water Corporation — Report, 2019-20.  
Gippsland Southern Health Service — Report, 2019-20.  
Glenelg Hopkins Catchment Management Authority — Report, 2019-20.  
Goulburn Broken Catchment Management Authority — Report, 2019-20.  
Goulburn Valley Health (GV Health) — Report, 2019-20.  
Goulburn Valley Region Water Corporation — Report, 2019-20.  
Grampians Wimmera Mallee Water Corporation (GWM Water) — Report, 2019-20.  
Great Ocean Road Health — Report, 2019-20.  
Greater Metropolitan Cemeteries Trust — Report, 2019-20.  
Greyhound Racing Victoria — Report, 2019-20.  
Harness Racing Victoria — Report, 2019-20.  
Health Complaints Commissioner — Report, 2019-20.  
Health Purchasing Victoria — Report, 2019-20.  
Heathcote Health — Report, 2019-20.  
Heritage Council of Victoria — Minister's report of receipt of the 2019-20 report.  
Hesse Rural Health Service — Report, 2019-20.  
Heywood Rural Health Service — Report, 2019-20.  
Infrastructure Victoria — Report, 2019-20.  
Inglewood and Districts Health Service — Report, 2019-20.  
Kardinia Park Stadium Trust — Report, 2019-20.  
Kerang District Health — Report, 2019-20.  
Kooweerup Regional Health Service — Report, 2019-20.  
Kyabram District Health Service — Report, 2019-20.  
Labour Hire Licensing Authority — Report, 2019-20.  
Latrobe Regional Hospital — Report, 2019-20.  
Latrobe Valley Mine Rehabilitation Commissioner — Report, 2019-20.  
Legal Practitioners' Liability Committee — Report, 2019-20.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2019-20.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Lower Murray Urban and Rural Water Corporation — Report, 2019-20.

Maldon Hospital — Report, 2019-20.

Mallee Catchment Management Authority — Report, 2019-20.

Mallee Track Health and Community Service — Report, 2019-20.

Mansfield District Hospital — Report, 2019-20.

Maryborough District Health Service — Report, 2019-20.

Melbourne and Olympic Parks Trust — Report, 2019-20.

Melbourne Convention and Exhibition Trust — Report, 2019-20.

Melbourne Market Authority — Report, 2019-20.

Mental Health Complaints Commissioner — Report, 2019-20.

Mental Health Tribunal — Report, 2019-20.

Mercy Hospitals Victoria Ltd — Report, 2019-20.

Metropolitan Fire and Emergency Services Board (MFB) — Report, 2019-20.

Mildura Cemetery Trust — Minister's report of receipt of the 2019-20 report.

Moyness Health Services — Report, 2019-20.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2019-20 report.

National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2019-20.

Nathalia Cobram Numurkah (NCN) Health — Report, 2019-20.

North Central Catchment Management Authority — Report, 2019-20.

North East Catchment Management Authority — Report, 2019-20.

North East Region Water Corporation — Report, 2019-20.

North East Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Northeast Health Wangaratta — Report, 2019-20.

Northern Health — Report, 2019-20.

Office of the National Rail Safety Regulator — Report, 2019-20.

Office of the Public Advocate — Report, 2019-20 (*Ordered to be published*).

Omeo District Health — Report, 2019-20.

Orbost Regional Health — Report, 2019-20.

Parks Victoria — Report, 2019-20.

Peninsula Health — Report, 2019-20.

Peter MacCallum Cancer Centre — Report, 2019-20.

Phillip Island Nature Parks — Report, 2019-20.

Phytogene Pty Ltd — Minister's report of receipt of the 2019-20 report.

Port Phillip and Westernport Catchment Management Authority — Report, 2019-20.

Portland District Health — Report, 2019-20.

Post Sentence Authority — Report, 2019-20.

PrimeSafe — Report, 2019-20.

Public Interest Monitor — Report, 2019-20.

Queen Elizabeth Centre — Report, 2019-20.

Residential Tenancies Bond Authority — Report, 2019-20.

Robinvale District Health Service — Report, 2019-20.

Rochester and Elmore District Health Service — Report, 2019-20.

Royal Botanic Gardens Board Victoria — Report, 2019-20.

Royal Victorian Eye and Ear Hospital — Report, 2019-20.

Royal Women's Hospital — Report, 2019-20.

Rural Northwest Health — Report, 2019-20.

Seymour Health — Report, 2019-20.

South Gippsland Hospital — Report, 2019-20.

South Gippsland Region Water Corporation — Report, 2019-20.

South West Healthcare — Report, 2019-20.

Southern Metropolitan Cemeteries Trust — Report, 2019-20.

St Vincent's Hospital (Melbourne) Limited — Report, 2019-20.  
State Electricity Commission of Victoria — Report, 2019-20.  
State Sport Centres Trust — Report, 2019-20.  
State Trustees Limited — Report, 2019-20.  
Surveillance Devices Act 1999 — Report, 2019-20 by the Independent Broad-based Anti-corruption Commission, under section 30L of the Act.  
Stawell Regional Health — Report, 2019-20.  
Surveyors Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.  
Sustainability Victoria — Report, 2019-20.  
Swan Hill District Health — Report, 2019-20.  
Tallangatta Health Service — Report, 2019-20.  
Terang and Mortlake Health Service — Report, 2019-20.  
Terrorism (Community Protection) Act 2003 — Review of the Terrorism (Community Protection) Act 2003 — Stage One Report, December 2020, under section 38 of the Act.  
The Kilmore and District Hospital — Report, 2019-20.  
Timboon and District Health Care Service — Report, 2019-20.  
Tweddle Child and Family Health Service — Report, 2019-20.  
V/Line Corporation — Report, 2019-20.  
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.  
VicForests — Report, 2019-20.  
Victims of Crime Assistance Tribunal — Report, 2019-20.  
Victims of Crime Commissioner — Report, 2019-20.  
Victoria Legal Aid — Report, 2019-20.  
Victoria State Emergency Service Authority — Report, 2019-20.  
Victoria's Mental Health Services — Report, 2019-20.  
Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of the 2019-20 report.  
Victorian Building Authority — Report, 2019-20.  
Victorian Environmental Assessment Council — Report, 2019-20.  
Victorian Environmental Water Holder — Report, 2019-20.  
Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to be published*).  
Victorian Funds Management Corporation — Report, 2019-20.  
Victorian Health Promotion Foundation — Report, 2019-20.  
Victorian Inspectorate — Report 1 January to 30 June 2020, under section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.  
Victorian Institute of Forensic Medicine (Forensicare) — Report, 2019-20.  
Victorian Institute of Forensic Mental Health — Report, 2019-20.  
Victorian Legal Services Board and the Legal Services Commissioner — Report, 2019-20 (*Ordered to be published*).  
Victorian Marine and Coastal Council — Report, 2019-20.  
Victorian Pharmacy Authority — Report, 2019-20.  
Victorian Planning Authority — Report, 2019-20.  
Victorian Plantations Corporation — Report, 2019-20.  
Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2019-20 report.  
VITS LanguageLoop — Report, 2019-20.  
Wannon Region Water Corporation — Report, 2019-20.  
West Gippsland Catchment Management Authority — Report, 2019-20.  
West Gippsland Healthcare Group — Report, 2019-20.  
West Wimmera Health Service — Report, 2019-20.  
Western District Health Service — Report, 2019-20.  
Western Health — Report, 2019-20.  
Western Region Water Corporation — Report, 2019-20.  
Westernport Region Water Corporation — Report, 2019-20.

Wimmera Catchment Management Authority — Report, 2019-20.  
 Wimmera Health Care Group — Report, 2019-20.  
 Witness Protection Act 1991 — Report, 2019-20, under section 20R by Victoria Police.  
 Yarram and District Health Service — Report, 2019-20.  
 Yarrawonga Health — Report, 2019-20.  
 Yea and District Memorial Hospital — Report, 2019-20.  
 Youth Parole Board — Report, 2019-20.  
 Zoological Parks and Gardens Board — Report, 2019-20.

- 5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 February 2021, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 6 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Mr Limbrick be discharged from the Standing Committee on the Environment and Planning; and
  - (2) Dr Cumming be a member of the Standing Committee on the Environment and Planning.

Question — put and agreed to.

- 7 COGNATE DEBATE — APPROPRIATION (2020-2021) BILL 2020 AND BUDGET PAPERS, 2020-21** — Ms Symes moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2020-2021) Bill 2020 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2020-21, contingent on such a motion being moved.

Question — put and agreed to.

- 8 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.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

- 10 APPROPRIATION (2020-2021) 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 —*

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

\* \* \* \* \*

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

- **Fire services management** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 14 December 2020.
- **Imprisonment rates** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Monday, 14 December 2020.
- **Clarinda concrete crusher facility** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 14 December 2020.
- **Free kindergartens** — substantive question asked by Dr Bach — response from Ms Stitt due Monday, 14 December 2020.

- 12 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.

- 13 APPROPRIATION (2020-2021) BILL 2020** — Debate continued on the question, That the Bill be now read a second time.



Question — put and agreed to.

On the motion of Ms Pulford, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill 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.

**14 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to prohibit change or suppression practices, to amend certain definitions in the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

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

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

Ms Stitt 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 Stitt 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 7.46 p.m., adjourned until Tuesday, 2 February 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 86, 87 and 88

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### STATE TAXATION ACTS AMENDMENT BILL 2020

*Committed Tuesday, 8 December 2020*

*Suggested Amendments circulated: Mr Rich-Phillips (GRP21C) (p. 656)*

**Clause 1** — Mr Rich-Phillips moved Suggested Amendment No. 1 (GRP21C) — put and negatived.

Clause 1 — no question put pursuant to Standing Order 14.15(2).

**Clauses 2 to 21** — no question put pursuant to Standing Order 14.15(2).

**Clauses 22 to 28** — Mr Rich-Phillips moved Suggested Amendment Nos. 2 to 11 (GRP21C).

Question — That the part heading and division headings preceding clause 22, the division heading preceding clause 26 and clauses 22 to 28 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; 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)*

NOES, 12

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.

**Clauses 29 to 44** — no question put pursuant to Standing Order 14.15(2).

**Clause 45** — Mr Rich-Phillips moved Suggested Amendment No. 12 (GRP21C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; 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, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; 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.

Clause 45 — no question put pursuant to Standing Order 14.15(2).

**Clauses 46 to 70** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

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**APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020**

*Committed Tuesday, 8 December 2020*

*Suggested Amendments circulated: Mr Rich-Phillips (GRP23C) (p. 657)*

Suggested Amendments proposed to be moved in Committee by Mr Rich-Phillips (GRP23C) were circulated.

By leave, the Deputy President postponed Mr Rich-Phillips' Amendment Nos. 1 and 2 (GRP23C).

**Clauses 1 to 8** — no question put pursuant to Standing Order 14.15(2).

**Schedule 1** — Mr Rich-Phillips moved Suggested Amendment No. 3 (GRP23C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; 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 Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; 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 negated.

Mr Rich-Phillips moved Suggested Amendment No. 4 (GRP23C).

Question — That the suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; 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 Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; 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 negated.

Schedule 1 — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

**PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020**

*Committed Tuesday, 8 December 2020*

*Amendments circulated: Mr O'Donohue (EOD38C) (pp. 657-8)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved Amendment Nos. 1 to 3 (EOD38C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; 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, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; 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.

Clause 3 — put and agreed to.

**Clauses 4 to 6** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (2020-2021) BILL 2020**

*Committed Thursday, 10 December 2020*

**Clauses 1 to 14** — no question put pursuant to Standing Order 14.15(2).

**Schedules 1 to 6** — no question put pursuant to Standing Order 14.15(2).

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. STATE TAXATION ACTS AMENDMENT BILL 2020

#### Suggested Amendments circulated by Mr Rich-Phillips

1. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines.
2. **Suggested amendment to the Legislative Assembly -**  
Part heading preceding clause 22, omit this heading.
3. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 22, omit this heading.
4. **Suggested amendment to the Legislative Assembly -**  
Clause 22, omit this clause.
5. **Suggested amendment to the Legislative Assembly -**  
Clause 23, omit this clause.
6. **Suggested amendment to the Legislative Assembly -**  
Clause 24, omit this clause.
7. **Suggested amendment to the Legislative Assembly -**  
Clause 25, omit this clause.
8. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 26, omit this heading.
9. **Suggested amendment to the Legislative Assembly -**  
Clause 26, omit this clause.
10. **Suggested amendment to the Legislative Assembly -**  
Clause 27, omit this clause.
11. **Suggested amendment to the Legislative Assembly -**  
Clause 28, omit this clause.
12. **Suggested amendment to the Legislative Assembly -**  
Clause 45, lines 28 to 30, omit all words and expressions on these lines.
13. **Suggested amendment to the Legislative Assembly -**  
Clause 46, lines 22 to 24, omit all words and expressions on these lines.
14. **Suggested amendment to the Legislative Assembly -**  
Clause 55, omit this clause.

#### AMENDMENT OF LONG TITLE

15. **Suggested amendment to the Legislative Assembly -**  
Long title, omit "the **Environment Protection Act 1970**, the **Environment Protection Amendment Act 2018**,".

## 2. APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020

### Suggested Amendments circulated by Mr Rich-Phillips

1. **Suggested amendment to the Legislative Assembly—**  
Clause 3, line 4, omit "\$250 697 000" and insert "\$257 101 000".
2. **Suggested amendment to the Legislative Assembly—**  
Clause 5, line 17, omit "\$250 697 000" and insert "\$257 101 000".
3. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 17, omit "42 196" and insert "46 600".
4. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 18, omit "19 608" and insert "21 608".
5. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 6, line 19, omit "250 697" and insert "257 101".
6. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 14, line 8, omit "42 196" and insert "46 600".
7. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 14, line 12, omit "42 196" and insert "46 600".
8. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 15, line 7, omit "19 308" and insert "21 308".
9. **Suggested amendment to the Legislative Assembly—**  
Schedule 1, page 15, line 11, omit "19 608" and insert "21 608".

## 3. PUBLIC HEALTH AND WELLBEING AMENDMENT (QUARANTINE FEES) BILL 2020

### Amendments circulated by Mr O'Donohue

1. Clause 3, page 4, after line 4 insert—
  - "(1A) Regulations made under subsection (1)(a) must include the following circumstances as circumstances that COVID-19 Quarantine Victoria must have regard to in making a decision under section 259 in relation to a quarantined person who is an adult—
    - (a) whether the person is an Australian citizen or permanent resident within the meaning of the Australian Citizenship Act 2017 of the Commonwealth; and
    - (b) whether the person—
      - (i) has a weekly income (from all sources) at the time the person makes an application under section 259 of not more than \$1,903 per week before tax; or
      - (ii) is part of a couple who are both quarantined persons and the weekly income of the couple (from all sources) at the time an application for the couple is made under section 259 is not more than \$1,903 per week before tax; and
    - (c) whether the person—
      - (i) has not more than \$10 000 in cash or in savings deposited with an ADI (excluding term deposits) at the time the person makes an application under section 259; or
      - (ii) is part of a couple who are both quarantined persons and the couple has not more than \$10 000 (in total) in cash or in savings deposited with an ADI

(excluding term deposits) at the time an application for the couple is made under section 259; and

(d) whether the person—

- (i) lost their employment on or after 16 March 2020 and was not employed at any time before they departed for Australia; or
- (ii) was employed during the applicable period and their weekly working hours or weekly wage or salary, at the end of that period, was, as the case requires—
  - (A) 20% less than their weekly working hours than at the start of that period; or
  - (B) 20% less than their weekly wage or salary than at the start of that period; or
- (iii) was a sole trader whose business was suspended on or after 16 March 2020 and did not restart before the person departed for Australia; or
- (iv) carried on business as a sole trader during the applicable period and the business's turnover at the end of that period was 20% less than at the start of that period."

2. Clause 3, page 4, after line 5 insert—

**"applicable period** means the period—

- (a) commencing on 16 March 2020; and
- (b) ending on—
  - (i) in the case of a quarantined person employed as at that commencement, the day on which the person ceases employment for the purpose of departing for Australia; and
  - (ii) in the case of a quarantined person carrying on business as a sole trader as at that commencement, the day on which the person ceases carrying on that business for the purpose of departing for Australia;".

3. Clause 3, page 4, after line 7 insert—

**"quarantined person** has the same meaning as in Part 14;".