



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 89, 90 and 91

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#### No. 89 — Tuesday, 2 February 2021

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —
  - On 15 December 2020, given the Royal Assent to the following Acts presented to her by the Speaker:
    - Appropriation (2020-2021) Act 2020*
    - Appropriation (Parliament 2020-2021) Act 2020.*
  - On 15 December 2020, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:
    - State Taxation Acts Amendment Act 2020.*
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That —
  - (1) the temporary order agreed to by the House on 15 September 2020 relating to the Order of Business on a Tuesday be rescinded;
  - (2) Standing Order 4.01(1) and Sessional Order 1 be suspended to the extent necessary to allow the following temporary arrangement to come into effect immediately and remain in place until the House resolves otherwise —
    1. **Days and hours of meeting**  
Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —
      - (a) Tuesday at 11.00 a.m.;
      - (b) Wednesday at 9.30 a.m.;
      - (c) Thursday at 10.00 a.m.; and
      - (d) Friday at 9.30 a.m..

Question — put and agreed to.
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.  
**SOLE TRADER SUPPORT FUND** — Ms Pulford having given answers to a question without notice and supplementary question relating to the sole trader support fund —  
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.

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

- **Central Pier, Docklands** — substantive question asked by Ms Patten — response from Ms Stitt due Wednesday, 3 February 2021.
- **Impact of border check points on Wodonga businesses** — substantive and supplementary questions asked by Ms Lovell — response from Ms Pulford due Wednesday, 3 February 2021.
- **Duck season announcement** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 4 February 2021.

**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** —

**BUSH NURSING CENTRES** — Ms Bath presented a Petition bearing 55 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately and properly resource Bush Nursing Centres, recognising the increase in operational costs and demand that these centres constantly face.

Ordered to lie on the Table.

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**PARLIAMENTARY INQUIRY INTO PUBLIC LAND MANAGEMENT** — Ms Bath presented a Petition bearing 75 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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**REJECT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 4,101 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Change or Suppression (Conversion) Practices Prohibition Bill 2020.

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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**VOTE AGAINST THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 3,625 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Change or Suppression (Conversion) Practices Prohibition Bill 2020.

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.

**7 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2021** — Mr Barton introduced *A Bill for an Act to amend the Commercial Passenger Vehicle Industry Act 2017 to make provision for and in relation to the safety and accessibility of commercial passenger vehicles and for other purposes.*

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

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Terpstra presented Alert Digest No. 1 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

Mrs McArthur moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the Inquiry into the Victorian Government's response to the COVID-19 pandemic (including Appendices, Extracts of Proceedings and Minority Reports), 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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**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S COVID-19 CONTACT TRACING SYSTEM AND TESTING REGIME** — Pursuant to a resolution of the Council of 10 November 2020, the Clerk laid on the Table a copy of the Legal and Social Issues Committee's Report on the Inquiry into the Victorian Government's COVID-19 contact tracing system and testing regime.

Ms Patten presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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**OMBUDSMAN — INVESTIGATION INTO THE DETENTION AND TREATMENT OF PUBLIC HOUSING RESIDENTS ARISING FROM A COVID-19 'HARD LOCKDOWN' IN JULY 2020** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020, December 2020.

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**COVID-19 HOTEL QUARANTINE INQUIRY — FINAL REPORT AND RECOMMENDATIONS** — Pursuant to section 77(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the COVID-19 Hotel Quarantine Inquiry, Final Report and Recommendations, December 2020.

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**ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY — REPORT ON PUBLIC HEARING 5** — Pursuant to section 37(3)(c) of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's Report on Public hearing 5 – Experiences of people with disability during the ongoing COVID-19 pandemic.

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**REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, the Clerk laid on the Table a copy of the 9<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

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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:

Bendigo Cemeteries Trust — Report, 2019-20.

Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31 by Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2019-20, under section 42BI by Victoria Police.

Judicial Entitlements Act 2015 — Attorney-General's recommendation statement to the 2020 Own Motion Recommendation Report of the Judicial Entitlements Panel, under section 34 of the Act.

Murray-Darling Basin Authority — Report, 2019-20.

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

Alpine Planning Scheme — Amendment C55.

Ararat, Boroondara, Glen Eira, Greater Geelong, Knox, Melbourne, Queenscliffe, Wellington and Whitehorse Planning Schemes — Amendment GC172.

Banyule Planning Scheme — Amendment C153.

Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra Planning Schemes — Amendment GC177.

Baw Baw Planning Scheme — Amendment C131.

Boroondara Planning Scheme — Amendments C305, C318, C330, C334 and C338.

Boroondara and Knox Planning Schemes — Amendment GC178.

Brimbank, Greater Geelong, Melbourne, Whittlesea Planning Schemes — Amendment GC176.

Cardinia Planning Scheme — Amendments C234 and C251.

Casey Planning Scheme — Amendment C258.

Colac Otway Planning Scheme — Amendment C107.

Darebin Planning Scheme — Amendment C196.

Frankston Planning Scheme — Amendment C147.

Glen Eira Planning Scheme — Amendments C201 and C219.

Glenelg Planning Scheme — Amendment C105.

Greater Bendigo Planning Scheme — Amendments C232 and C245.

Greater Geelong Planning Scheme — Amendments C419 and C424.

Greater Shepparton, Hume, Mitchell, Strathbogie and Whittlesea Planning Schemes — Amendment GC174.

Indigo Planning Scheme — Amendment C74.

Latrobe Planning Scheme — Amendment C129.

Manningham Planning Scheme — Amendment C131.

Mansfield Planning Scheme — Amendment C46.

Maribyrnong Planning Scheme — Amendment C171.

Melbourne Planning Scheme — Amendments C391 and C400.

Moonee Valley Planning Scheme — Amendment C215.

Moorabool Planning Scheme — Amendment C96.

Moreland Planning Scheme — Amendments C167, C200 and C211.

Murrindindi Planning Scheme — Amendment C70.

Nillumbik Planning Scheme — Amendment C132.

Port of Melbourne Planning Scheme — Amendment C2.

Southern Grampians Planning Scheme — Amendment C57.

Victoria Planning Provisions — Amendment VC188.

Wangaratta Planning Scheme — Amendment C84.

Whittlesea Planning Scheme — Amendments C250, C254 and C256.

Yarra Planning Scheme — Amendments C238 and C289.

Project Development and Construction Management Act 1994 — Nomination Order and Application Order of 22 December 2020, under sections 6 and 8 of the Act and a statement of reasons for making a Nomination Order of 14 December 2020, under section 9 of the Act.

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 135/2020.

Climate Change Act 2007 — No. 144/2020.

Commercial Passenger Vehicle Industry Act 2017 — No. 146/2020.

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 147/2020.

Criminal Procedure Act 2009 — No. 134/2020.

Dangerous Goods Act 1985 — No. 140/2020.

Education and Training Reform Act 2006 — No. 143/2020.

Electricity Safety Act 1998 — No. 136/2020.

Family Violence Protection Act 2008 — No. 139/2020.

National Parks Act 1975 — No. 137/2020.

- Occupational Health and Safety Act 2004 — No. 141/2020.  
 Public Health and Wellbeing Act 2008 — Nos. 149/2020 and 1/2021.  
 Residential Tenancies Act 1997 — No. 3/2021.  
 Service Victoria Act 2018 — No. 138/2020.  
 Subordinate Legislation Act 1994 — No. 145/2020.  
 Victorian Energy Efficiency Target Act 2007 — No. 142/2020.  
 Wildlife Act 1975 — No. 148/2020.  
 Worker Screening Act 2020 — No. 2/2021.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 130/2020, 133/2020 to 143/2020, 145/2020 to 148/2020, 1/2021 and 2/2021.  
 Legislative instruments and related documents under section 16B in respect of —  
 Code for the Disabled Persons Parking Scheme (Accessible Parking Permit Scheme) of 29 October 2020 under the Road Safety Act 1986.  
 Determination of Objectives to Minimise Salinity Impacts from Irrigation in High Salinity Impact Zones 2021 of 21 December 2020 under the Water Act 1989.  
 Determination of Salinity Impact Zones and Salinity Impact Charges 2021 of 21 December 2020 under the Water Act 1989.  
 Electricity Safety Exemption Order 2020 of 21 December 2020 under the Electricity Safety Act 1998.  
 Ministerial Order No. 1316 amending Ministerial Order (Constitution of Government School Councils) 2020 of 13 January 2021 under the Education and Training Reform Act 2006.  
 Surveillance Devices Act 1999 — Report, 2019-20, under section 30L by the Australian Criminal Intelligence Commission.  
 Victorian Responsible Gambling Foundation — Report, 2019-20.

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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 — 1 February 2021 (*Gazette No. S624, 1 December 2020*).
- Consumer Legislation Amendment Act 2020 — Part 4 — 1 February 2021 (*Gazette No. S685, 22 December 2020*).
- Parks and Crown Land Legislation Amendment Act 2020 — Part 1, Part 2, Part 3 (except Section 30), Part 4 (except Sections 32, 33 and 34), Part 5 (except Section 49), Part 6 (except Section 61), Part 7 (except Sections 63, 64, 68, 70, 73, 74, 76, 77, 78, 79, 81, 82(3), 83, 84(3), 109, 110, 111 and 112), Part 8, Part 9 and Part 11 — 15 December 2020 (*Gazette No. S666, 15 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*).
- Project Development and Construction Management Amendment Act 2020 — Whole Act — 22 December 2020 (*Gazette No. S685, 22 December 2020*).
- Residential Tenancies Amendment Act 2018 — Remaining Provisions — 29 March 2021 (*Gazette No. S42, 27 January 2021*).
- Worker Screening Act 2020 — Whole Act (other than Division 19 of Part 9.3) — 1 February 2021 (*Gazette No. S647, 8 December 2020*).

**9 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 3 February 2021 —

- (1) the notice of motion given this day by Mr Barton on the production of documents relating to the Multi Purpose Taxi Program trial;
- (2) the notice of motion given this day by Mr Davis on the attendance of the Ombudsman and the IBAC Commissioner in the Council Chamber;
- (3) the notice of motion given this day by Ms Crozier on the NSW border closures;

- (4) Notice of Motion No. 386 standing in the name of Mr Davis on the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited and the High Capacity Metro construction; and
- (5) Notice of Motion No. 422 standing in the name of Mr Hayes concerning Sessional Order 8 and Standing Order 5.03 allowing new time limits for General Business.

Question — put and agreed to.

**10 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.

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

**12 CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS 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 and, by leave, 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 BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Question — 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; 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, 13

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

Bill reported without amendment, the Report was adopted.

Ms Stitt 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, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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, 13

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

**14 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 6.26 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## **No. 90 — Wednesday, 3 February 2021**

**1** The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

**2 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Public Health and Wellbeing Act 2008 — 10<sup>th</sup> Report to Parliament on the State of Emergency, under section 198(8A) of the Act.

**3 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Watt be a participating member of the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

**4 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following changes to Sessional Orders be adopted, to come into operation with immediate effect:

**1. Time limits — General Business**

Sessional Order 8 be rescinded and replaced with the following:

***General Business (Standing Order 5.07)***

Total time	90 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

**2. Time limits — Statements on reports, papers and petitions**

Sessional Order 6 be rescinded and replaced with the following:

***Statements on reports, papers and petitions (Standing Order 9.10)***

Total time	30 minutes ( <i>a Member with the call at the expiration of the total time will be permitted to complete their contribution</i> )
Each Member	5 minutes

**3. Committee of the whole — time limits**

Sessional Order 18 be rescinded.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

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 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — Mr Barton moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 28 calendar days of the House agreeing to this resolution, all documents detailing the design of the Multi Purpose Taxi Program trial, including, but not limited to all documents —
- (1) detailing the way in which trial participants were recruited, contacted and selected;
  - (2) detailing the results of the trial;
  - (3) detailing risk assessments conducted for the trial;
  - (4) relating to the impact assessments, both financial or otherwise, conducted for the trial; and
  - (5) relating to the consideration given to unintended consequences to services provided in the broader disability sector, in particular services provided by wheelchair accessible vehicles.

Debate ensued.

Question — put and agreed to.

- 7 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT THE BAR OF THE HOUSE** — Mr O'Donohue (for Mr Davis) moved, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —
- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
  - (2) the Hon Robert Redlich AM QC, IBAC Commissioner to attend at the Bar of the House on Wednesday, 17 February 2021, between 3.30 p.m. and 5.00 p.m.;
  - (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
  - (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Debate ensued.

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

- 8 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:

- **Firearms regulation** — substantive question asked by Mr Quilty — response from Mr Leane due Friday, 5 February 2021.
- **Free kindergarten scheme** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 4 February 2021.
- **Free kindergarten scheme financial impacts** — substantive question asked by Dr Bach — response from Ms Stitt due Thursday, 4 February 2021.
- **Game Management Authority advice regarding duck hunting** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 5 February 2021.

- 9 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.

- 10 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT THE BAR OF THE HOUSE** — Debate continued on the question, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —



- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
- (2) the Hon Robert Redlich AM QC, IBAC Commissioner to attend at the Bar of the House on Wednesday, 17 February 2021, between 3.30 p.m. and 5.00 p.m.;
- (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
- (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Mr Atkinson moved, as an amendment, That all the words and expressions after “That this”, be **omitted** and the following be **inserted** in their place:

“House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Integrity and Oversight Committee to undertake an urgent inquiry into the adequacy of current and future funding of the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission (IBAC) and requires the Committee to —

- (1) hold and broadcast public hearings with —
  - (a) Ms Deborah Glass, Victorian Ombudsman;
  - (b) the Hon Robert Redlich AM QC, IBAC’s Commissioner;
- (2) report to the House by 30 March 2021;
- (3) advise on best practice models in other jurisdictions for the long-term funding of independent scrutiny agencies in such a way that they are not inhibited from conducting urgent and/or necessary investigations and inquiries; and
- (4) ensure that this inquiry takes precedence over other Committee matters.”.

Debate ensued.

Question — That the amendment moved by Mr Atkinson be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Mrs McArthur; Mr Meddick; Mr O’Donohue; Ms Patten; Mr Quilty; Dr Ratnam.

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

NOES, 18

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; 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.

Original question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O’Donohue; Mr Quilty; Dr Ratnam.

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

NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; 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 negatived.

**11 CLOSURE OF THE BORDER WITH NEW SOUTH WALES** — Ms Crozier moved, That this House —

- (1) expresses concern at the Andrews Government's rushed decision on the afternoon of 31 December 2020 to shut the border between Victoria and New South Wales which caused confusion for Victorians; and
- (2) calls on the Andrews Government, in the interest of transparency, to release all expert health advice and any other advice in relation to the decision made on 31 December 2020 to close the border with New South Wales, including but not limited to the logistics of closing the border.

Debate ensued.

Question — put and agreed to.

**12 PRODUCTION OF DOCUMENTS — CRRC CHANGCHUN RAILWAY VEHICLES COMPANY LIMITED** — Mr Davis moved, That this House —

- (1) notes that —
  - (a) part of the Evolution Rail consortium awarded the contract to deliver the High Capacity Metro Trains is CRRC Changchun Railway Vehicles Company Limited, linked to the use of Uyghur slave labour;
  - (b) CRRC Changchun Railway Vehicles Company Limited is also part of the Chinese Government's Belt and Road Initiative;
  - (c) more than a million Uyghurs and members of other Turkic Muslim minorities have allegedly disappeared into a vast network of 're-education camps';
  - (d) factories in China are allegedly sourcing Uyghur workers from the 're-education camps' under a government-led labour transfer scheme;
  - (e) the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, confirmed on ABC radio on 5 October 2020, that she was aware of these allegations and has sought advice from the Department of Transport about whether they were true;
  - (f) the Minister for Transport Infrastructure said the advice received from the Department of Transport about these allegations were untrue and the Minister did not indicate that CRRC Changchun Railway Vehicles Company Limited was not using Uyghur slave labour in other contracts and constructions; and
- (2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before 12 noon, Wednesday, 4 November 2020, any advice received by the Minister for Transport Infrastructure from the Department of Transport, which she referred to in the ABC radio interview on 5 October 2020, relating to allegations that CRRC Changchun Railway Vehicles Company Limited were using Uyghur slave labour in the High Capacity Metro construction.

Debate ensued.

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

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

**14 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 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 91 — Thursday, 4 February 2021

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

2 **PETITION — ANNOUNCE THE 2021 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 2,244 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to announce a full season with a full bag limit for the 2021 duck hunting season as soon as possible.

Ordered to lie on the Table.

3 **PAPERS —**

**CHILDREN'S COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the Children's Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

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**COUNTY COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the County Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

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**MAGISTRATES' COURT OF VICTORIA REPORT, 2019-20** — Ms Symes presented, by Command of the Governor, the Magistrates' Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

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**JUDICIAL COLLEGE OF VICTORIA REPORT, 2019-20** — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2019-20.

Question — put and agreed to.

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

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**VICTORIAN GOVERNMENT REPORT 2020 — ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE** — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Report 2020 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

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

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**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE LEGAL AND SOCIAL ISSUES COMMITTEE INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD** — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into the closure of I Cook Foods Pty Ltd.

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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:

Coroners Court of Victoria — Report, 2019-20.

Court Services Victoria — Report, 2019-20.

Criminal Organisations Control Act 2012 — Report, 2019-20, under section 133 by Victoria Police.

Drugs, Poisons and Controlled Substances Act 1981 —

Minister's Notice of preparation of amendment to the Poisons Code, under section 12H of the Act.

Parts of the Commonwealth standard that the Poisons Code incorporates by reference, under section 12H of the Act.

Judicial Commission of Victoria — Report, 2019-20.

Office of Public Prosecutions — Report, 2019-20.

Professional Standards Council of Victoria — Report, 2019-20, together with an explanation for the delay.

Sentencing Advisory Council — Report, 2019-20.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2019-20.

Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to be published*).

Victorian Law Reform Commission — Report, 2019-20 (*Ordered to be published*).

**4 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.

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

**6 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION 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 further urgent consultation is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues."

Debate ensued.

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

*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.

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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:

- **Glen Eira heritage protection** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 8 February 2021.
- **Surrey Hills and Mont Albert Train Station merge** — substantive and supplementary questions asked by Dr Bach — response from Ms Pulford due Monday, 8 February 2021.
- **COVID-19 restrictions infringements** — substantive question asked by Ms Patten — response from Ms Symes due Friday, 5 February 2021.
- **Delays in jury trials** — substantive question asked by Mr O'Donohue — response from Ms Symes due Monday, 8 February 2021.

**8 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.

**9 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION 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 further urgent consultation

is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues.”.

Amendments proposed to be moved in Committee by Dr Cumming 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; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Quilty.

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

NOES, 20

Mr Barton; Mr Elasmar; Mr Erdogan; Ms Garrett; Dr Kieu; Mr Leane; 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.

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

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Ms Garrett; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O’Donohue; 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, 6

Mr Bourman; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; 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.

Mr O’Donohue moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by Wednesday, 31 March 2021, on the Change or Suppression (Conversion) Practice Prohibition Bill 2020, including but not limited to, an examination of the potential implications for Victorians of the December 2020 UK High Court decision in *Quincy Bell and A v Tavistock and Portman NHS Trust and others [2020] EWHC 3274 (Admin)*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; 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 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; Ms Garrett; 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.

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended, and the House resolved to take a 30-minute meal break immediately.

*[Sitting suspended from 6.15 p.m. to 6.45 p.m.]*

Bill committed to a Committee of the whole.

House in Committee.

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

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

Bill further considered in Committee of the whole.

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, 27

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Ms Lovell; Mr Meddick; Mr Melhem; Mr O'Donohue; 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, 9

Mr Bourman; Dr Cumming; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mrs McArthur; 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 without amendment.

- 10 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 February 2021.

Question — put and agreed to.

- 11 SUMMARY OFFENCES AMENDMENT (DECriminalISATION OF PUBLIC DRUNKENNESS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to repeal offences relating to public drunkenness, to make consequential amendments to the Bail Act 1977 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt (for Ms Symes), 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.

- 12 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) 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 further provide for the duties, functions and powers of the Victorian Institute of Teaching in relation to the approval of a program or course of study that leads to qualifying as a teacher, to amend the process for investigating the conduct, competence and fitness to teach of teachers and early childhood teachers, to make amendments in relation to teacher registration, to further provide for the disclosure and collection of information, to amend the Minister's powers to issue policies, guidelines or directions to the Victorian Institute of Teaching, to make consequential and other minor amendments 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 Rich-Phillips), the debate was adjourned for one week.

- 13 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for a provisional payments scheme for workplace mental injuries, to make corresponding and consequential amendments to the Accident Compensation Act 1985 and certain Acts that provide for personal injury compensation for volunteers, and to make other minor and technical amendments, and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Stitt, 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 (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

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

Ms Stitt made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

- 14 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 11.19 p.m., adjourned until Tuesday, 16 February 2021.

ANDREW YOUNG  
Clerk of the Legislative Council





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 89, 90 and 91

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### **PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020**

*Committed Tuesday, 2 February 2021*

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

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### **CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020**

*Committed Thursday, 4 February 2021*

*Amendments circulated: Mr Bourman (p. 678), Dr Cumming (pp. 678-9), Mr O'Donohue (p. 679)*

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

**Clause 1** — 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, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty.

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

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; 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 1 — put and agreed to.

**Clause 2** — Dr Cumming moved Amendment Nos. 1 and 2 — put and negatived.

Clause 2 — put and agreed to.

**Clause 3** — Dr Cumming moved Amendment Nos. 3 and 4 — put and negatived.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Clause 5** — Dr Cumming moved Amendment No. 5 — put and negatived.

Mr Bourman moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

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

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; 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.

Mr O'Donohue moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; 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; Dr Kieu; Mr Leane; Mr Limbrick; 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.

Dr Cumming moved Amendment No. 6 — put and negatived.

Mr O'Donohue moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

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

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; 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.

Mr O'Donohue moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Mr Atkinson; Dr Bach; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; 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; Dr Cumming; Mr Elasmár; Mr Erdogan; 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 5 — put and agreed to.

**Clauses 6 to 66** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020**Amendments circulated by Mr Bourman

1. Clause 5, line 4, omit ", whether with or".

Amendments circulated by Dr Cumming

1. Clause 2, omit this clause.

## NEW CLAUSE

2. Insert the following New Clause before clause 3—

**"2 Commencement**

This Act comes into operation on the day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent."

3. Clause 3, omit this clause.

## NEW CLAUSE

4. Insert the following New Clause before clause 4—

**"3 Objects of this Act**

(1) The objects of this Act are—

(a) to affirm that—

(i) all people have characteristics of sexuality and gender identity; and

(ii) no combination of those characteristics constitutes a disorder, disease, illness, deficiency, disability or shortcoming; and

(b) to recognise and prevent the harm caused by sexuality and gender identity conversion practices."

5. Clause 5, line 3, before "practice" insert "harmful".

6. Clause 5, page 8, lines 9 to 20, omit subclause (3).

7. Clause 24, lines 4 and 5, omit "affected by a change or suppression practice, or any other person," and insert "directly affected by a change or suppression practice, or their parent or guardian,".

8. Clause 59, lines 8 to 15, omit all words and expressions on these lines and insert—

**"gender identity** means each person's deeply felt and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms;".'

9. Clause 59, page 39, lines 30 to 32 and page 40, lines 1 and 2, omit all words and expressions on these lines and insert—

**"sexual orientation** means each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender;".'

10. Clause 61, after line 23, insert—

**"197A Reports and investigations not to be retrospective**

A report or investigation under the **Change or Suppression (Conversion Practices) Prohibition Act 2020** must not relate to conduct engaged before the commencement day."

**Amendments circulated by Mr O'Donohue**

1. Clause 1, page 2, lines 8 and 9, omit subparagraph (iii).
2. Clause 4, lines 29 and 30, omit all words and expressions on these lines.
3. Clause 4, page 5, lines 7 and 8, omit all words and expressions on these lines.
4. Clause 4, page 5, lines 26 and 27, omit all words and expressions on these lines.
5. Clause 5, page 8, line 4 omit "necessary " and insert "clinically appropriate".
6. Clause 5, page 8, lines 11 to 14, omit paragraph (a).
7. Clause 5, page 8, after line 23 insert—

"(5) For the purposes of sub-section (1), a change or suppression practice does not include a practice or conduct that is directed by a person, including a parent, towards a member of the person's family, if the member of the person's family—

  - (a) is under 18 years of age; or
  - (b) has impaired cognitive capacity."
8. Clause 32, omit this clause.
9. Clause 33, omit this clause.
10. Division heading before clause 34, omit this heading.
11. Clause 34, omit this clause.
12. Clause 35, omit this clause.
13. Clause 36, omit this clause.
14. Clause 37, omit this clause.
15. Clause 38, omit this clause.
16. Clause 39, omit this clause.
17. Clause 40, omit this clause.
18. Clause 41, omit this clause.
19. Clause 42, omit this clause.
20. Clause 43, omit this clause
21. Clause 44, omit this clause.
22. Clause 45, omit this clause.
23. Clause 46, omit this clause
24. Clause 48, omit this clause.

