



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 82 — Thursday, 12 November 2020

Proof Version

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- 1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — The President read a letter from Mr Bourman resigning from the Standing Committee on Environment and Planning, effective from 11 November 2020.
Ms Symes moved, by leave, That Mr Grimley be a member of the Standing Committee on Environment and Planning.
Question — put and agreed to.
 - 3 **PETITION — FUNDING FOR NORTHCOTE HIGH SCHOOL'S MASTER PLAN** — Ms Watt presented a Petition bearing 1,924 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently fund Stages one and two of Northcote High School's Master Plan to significantly alleviate limited space and congestion issues at a cost of \$25 million, to not only benefit the school, but the wider community who extensively make use of the current facilities.
Ordered to lie on the Table.
 - 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
 - Agricultural Industry Development Act 1990 — Murray Valley Wine Grape Industry Development (ExtraTerritorial) Order 2020, pursuant to section 8(3) of the Act (*Gazette No. G44, 5 November 2020*).
 - Crimes (Assumed Identities) Act 2004 — Report, 2019-20 pursuant to section 31, by the Australian Criminal Intelligence Commission.
 - Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 9 November 2020 (*Ordered to be published*).
 - Statutory Rules under the following Acts of Parliament —
 - Commercial Passenger Vehicle Industry Act 2017 — No. 122.
 - Road Safety Act 1986 — No. 123.
 - Surveillance Devices Act 1999 — Reports, 2019-20 pursuant to section 30L, by the —
 - Game Management Authority.
 - Victorian Fisheries Authority.
 - Terrorism (Community Protection) Act 2003 — Report, 2019-20 by Victoria Police, pursuant to section 37F.
 - 5 **SITTING OF THE COUNCIL** — My Symes moved, That the Council, at its rising, adjourn until Tuesday, 24 November 2020, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President in the week commencing Monday, 23 November 2020, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 6 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.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.
- 8 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Bourman, Mr Davis and Mr Leane were circulated.

Mr Davis moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, within six months, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House with recommendations, including the potential impacts of altering the arrangements for camping on Crown land water frontages and licensed water frontages, and the Committee should consider —

- (1) the impact on the natural environment;
- (2) fire risk/management and other safety hazards;
- (3) the impact on native flora and fauna;
- (4) the impact on native wildlife;
- (5) the impact on biodiversity, biosecurity and water quality;
- (6) the impact on water frontage licensees and local communities;
- (7) the impact of recreational activities, including benefits and disadvantages;
- (8) the impact of pollution and contamination of water and land from waste;
- (9) potential regulatory models or options if camping were to occur;
- (10) particular water frontages that should be excluded from camping;
- (11) amendments proposed to the Bill by the Government; and
- (12) any other related matters.”.

Debate ensued.

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

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

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

- **Land rezoning taxes** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 16 November 2020.
- **Meetings with property developers** — supplementary question asked by Mr Davis — response from Ms Pulford due Friday, 13 November 2020.
- **Hotel quarantine interim report** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Symes due Monday, 16 November 2020.
- **Local government tobacco control** — substantive and supplementary questions asked by Ms Maxwell — response from Mr Leane due Friday, 13 November 2020.
- **Game duck aerial survey** — supplementary question asked by Mr Bourman — response from Ms Symes due Friday, 13 November 2020.

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

- 11 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Davis*, That all the words after “That” be omitted and replaced with the words “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, within six months, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House with recommendations, including the potential impacts of altering the arrangements for camping on Crown land water frontages and licensed water frontages, and the Committee should consider —
- (1) the impact on the natural environment;
 - (2) fire risk/management and other safety hazards;
 - (3) the impact on native flora and fauna;
 - (4) the impact on native wildlife;
 - (5) the impact on biodiversity, biosecurity and water quality;
 - (6) the impact on water frontage licensees and local communities;
 - (7) the impact of recreational activities, including benefits and disadvantages;
 - (8) the impact of pollution and contamination of water and land from waste;
 - (9) potential regulatory models or options if camping were to occur;
 - (10) particular water frontages that should be excluded from camping;
 - (11) amendments proposed to the Bill by the Government; and
 - (12) any other related matters.”.

Dr Ratnam moved, as an amendment to the reasoned amendment moved by Mr Davis, That all the words and expressions after “this Bill” be omitted and the following inserted in their place:

“be refused to be read a second time until the Government has —

- (1) undertaken comprehensive consultation with land owners, local communities, Landcare groups and other Victorians potentially impacted by the proposal to enable camping on Crown land river frontages;
- (2) drafted and consulted a set of regulations outlining —
 - (a) areas that are included and excluded from camping;
 - (b) how camping will be regulated;
 - (c) the risks to biodiversity, biosecurity, water quality, fire and safety; and
 - (d) other relevant matters identified during consultation.”.

Debate ensued.

Question — That the amendment moved by Dr Ratnam to the reasoned amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Hayes; Dr Ratnam.

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

NOES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O’Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; 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)

Question negatived.

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

The Council divided — The President in the Chair.

AYES, 14

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; 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 Bourman; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Hayes; 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 negatived.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments.

Mr Leane moved, That the Report be now adopted

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; 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, 1

Dr Cumming.

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

Question agreed to.

Mr Leane moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 33

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

Dr Cumming; Mr Hayes.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

12 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

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

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

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

Bill further considered in Committee of the whole.

Bill reported with amendments, 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 with amendments and requesting their agreement.

- 13 FOOD AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Food Act 1984 and the Public Health and Wellbeing Act 2008 and for other purposes* and requesting the agreement of the Council.

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

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

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

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

- 14 ENERGY LEGISLATION AMENDMENT (LICENCE CONDITIONS) BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable the Minister to impose conditions on licences issued under those Acts and to make consequential amendments to the National Electricity (Victoria) Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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

Ms Pulford 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.

- 15 TRANSPORT LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Towing Services Act 2007, the Heavy Vehicle National Law Application Act 2013, the Rail Management Act 1996, the Road Management Act 2004, the Road Safety Act 1986, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010 and the Transport Legislation Amendment Act 2019 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

Ms Pulford 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.

- 16 CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the Residential Tenancies Act 1997, the Residential Tenancies Amendment Act 2018, the Rooming House Operators Act 2016, the Victims of Crime Assistance Act 1996, the Victims of Crime Commissioner Act 2015, the Victorian Civil and Administrative Tribunal Act 1998 and the Working with Children Act 2005, to make statute law revision amendments to consumer Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

On the motion of Mr Ondarchie, the debate was adjourned for one week.

17 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 8.17 p.m., adjourned until Tuesday, 24 November 2020.

ANDREW YOUNG
Clerk of the Legislative Council