



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 92, 93 and 94

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#### No. 92 — Tuesday, 16 February 2021

- 1 The President took the Chair at 11.05 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 this week —
  1. **Sitting of the House this week**

The Council will meet on the following days and at the following times this week —

    - (a) Tuesday at 11.00 a.m.;
    - (b) Thursday at 9.45 a.m.; and
    - (c) Friday at 9.15 a.m..
  2. **Order of Business**
    - (1) The Order of Business on Thursday will be that outlined in Sessional Order 4 and is as follows —
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - General Business
      - At 12 noon** Questions
      - Answers to Questions on Notice
      - General Business (until 5.15 p.m.)
      - At 5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
      - Government Business (maximum 60 minutes)
      - At 6.45 p.m.** Adjournment (up to 20 Members).
    - (2) The Order of Business on Friday will be that outlined in Standing Order 5.02(4) and is as follows —
      - Messages
      - Formal Business
      - Members' Statements (up to 15 Members)
      - Government Business
      - At 12 noon** Questions
      - Answers to Questions on Notice
      - Government Business (continues)
      - At 10.00 p.m.** Adjournment (up to 20 Members).

Debate ensued.

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 Legislative Assembly:

On 9 February 2021 —

*Consumer and Other Acts Miscellaneous Amendments Act 2021*

*Public Health and Wellbeing Amendment Act 2021*

On 16 February 2021 —

*Change or Suppression (Conversion) Practices Prohibition Act 2021.*

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

**COVID-19 LOCKDOWN — SUPPORT FOR REGIONAL BUSINESSES** — Ms Pulford having given answers to a question without notice and supplementary question relating to support for regional businesses as a result of the COVID-19 lockdown —

On the motion of Ms Bath, 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.

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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:

- **COVID-19 testing result delays** — substantive question asked by Ms Crozier — response from Ms Symes due Wednesday, 17 February 2021.
- **Commercial passenger vehicle data collection** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 18 February 2021.
- **Stalking laws review** — substantive question asked by Ms Maxwell — response from Ms Symes due Wednesday, 17 February 2021.
- **COVID-19 lockdown – support for regional businesses** — supplementary question asked by Ms Bath — response from Ms Pulford due Thursday, 18 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** —

**REJECT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 21 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.

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**HALT THE CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — Mr Finn presented a Petition bearing 2,931 signatures from certain citizens of Victoria requesting that the Legislative Council immediately halt the Change or Suppression (Conversion) Practices Prohibition Bill 2020 and that faith communities be consulted.

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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**AMBULANCE SERVICES IN SEYMOUR** — Ms Maxwell presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restore on-call ambulance services in Seymour, in addition to their current resourcing.

Ordered to lie on the Table.

**7 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. 2 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

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**OMBUDSMAN — INVESTIGATION OF PROTECTED DISCLOSURE COMPLAINTS REGARDING THE FORMER PRINCIPAL OF A VICTORIAN PUBLIC SCHOOL** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Acting Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school, February 2021.

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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 Acting Clerk:

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 140/2020 and 141/2020 (*Gazette No. G5, 4 February 2021*).

Notice pursuant to section 32(4) in relation to Statutory Rule No. 135/2019 (*Gazette No. G3, 21 January 2021*).

Judicial College of Victoria — Minister's report of receipt of the 2019-20 report.

Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on the Inquiry into the conduct of the 2018 Victorian State election.

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

Bayside Planning Scheme — Amendments C168 and C178.

Brimbank Planning Scheme — Amendment C213.

Buloke Planning Scheme — Amendment C39.

Corangamite Planning Scheme — Amendment C48.

Greater Bendigo Planning Scheme — Amendment C257.

Greater Geelong Planning Scheme — Amendment C401.

Melton Planning Scheme — Amendment C207.

Moreland Planning Scheme — Amendment C199.

Mount Alexander Planning Scheme — Amendment C92.

Queenscliffe Planning Scheme — Amendment C30.

Southern Grampians Planning Scheme — Amendment C55.

Stonnington Planning Scheme — Amendment C272.

Wyndham Planning Scheme — Amendment C254.

Yarra Planning Scheme — Amendment C245.

Statutory Rules under the following Acts of Parliament —

Conservation, Forests and Lands Act 1987 — No. 6.

Owner Drivers and Forestry Contractors Act 2005 — No. 4.

Professional Engineers Registration Act 2019 — No. 5.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 144/2020, 3/2021, 4/2021 and 6/2021.

**8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Thursday, 18 February 2021 —

- (1) the notice of motion given this day by Mr Davis referring a matter to the Economy and Infrastructure Committee relating to the impact of the COVID-19 pandemic on the tourism and events sectors;
- (2) the notice of motion given this day by Mr Barton referring a matter to the Economy and Infrastructure Committee relating to the Multi Purpose Taxi Program;
- (3) the notice of motion given this day by Ms Crozier on the production of documents relating to the auditing of hotels used in the current hotel quarantine program; and
- (4) the notice of motion given this day by Mr Davis on support for licenced small businesses.

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 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) 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 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
 Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 12 OWNERS CORPORATIONS AND OTHER ACTS 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 Leane and Dr Ratnam 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 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 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 6.43 p.m., adjourned until Thursday, 18 February 2021.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 93 — Thursday, 18 February 2021

- 1** The President took the Chair at 9.50 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Ms Sonya Kilkenny resigning from the Scrutiny of Acts and Regulations Committee, effective from Wednesday, 17 February 2021.  
 Ms Symes moved, by leave, That Ms Watt be a member of the Scrutiny of Acts and Regulations Committee.  
 Question — put and agreed to.
- 3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
 Auditor-General's Report on Grants to the Migrant Workers Centre, February 2021 (*Ordered to be published*).  
 Family Violence Protection Act 2008 — Report on the implementation of the Family Violence Risk Assessment and Management Framework, 2019-20.  
 Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

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

Metropolitan Waste and Resource Recovery Group — Report, 2019-20.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 149/2020 and 5/2021.

**4 ECONOMY AND INFRASTRUCTURE COMMITTEE — TABLING OUT OF SESSION — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Erdogan moved, by leave, That if the Economy and Infrastructure Committee proposes to transmit a report for the Inquiry into the increase in Victoria's road toll to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —

- (1) the Clerk must —
  - (a) as soon as practicable after the report is received —
    - (i) give a copy of the report to each member of the House;
    - (ii) cause the report to be published on the Tabled Documents Database and the Committee's website;
  - (b) cause the report to be tabled in the House on the next sitting day of the House; and
- (2) the report will be taken to be published by authority of the House.

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 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — IMPACT OF THE COVID-19 PANDEMIC ON THE TOURISM AND EVENTS SECTORS** — Mr Davis moved, by leave, in an amended form, That this House —

- (1) notes —
  - (a) that prior to the COVID-19 pandemic, tourism contributed to 6.5 per cent of the Victorian economy, supporting 263,000 direct and indirect jobs, comprising 7.8 per cent of Victoria's employment, 142,300 jobs in Melbourne and 110,000 in regional Victoria;
  - (b) the severe impact of the COVID-19 pandemic on the tourism industry, including Victoria's second wave, driven by the closure of international and state borders and the severe restrictions on movement imposed by Victorian public health orders;
  - (c) that the COVID-19 pandemic has seen Victoria's visitor economy haemorrhage almost \$2.5 billion per month and is projected to shed 85,300 jobs by September 2021;
- (2) recognises that the more than \$10 billion annual Victorian events sector is a major sector in its own right and is vital to supporting tourism through central city events, regional events and festivals and business events, which importantly drives visitation into Melbourne and regional areas in the off-peak and shoulder seasons and has been severely impacted by the COVID-19 restrictions, including the impact of snap border closures on consumer confidence levels;
- (3) further notes that a number of businesses within the sector have had trouble accessing State Government support and that the many sole traders within the tourism and events sector have received inadequate State Government support;
- (4) further notes that additional State Government support should be urgently provided to tourism and events industry businesses; and
- (5) requires the Economy and Infrastructure Committee to inquire into, hold public hearings in Melbourne and regional Victoria to identify key issues and areas of concern, and report by 30 June 2021, on the impact of the COVID-19 pandemic on the tourism and events sectors and provide recommendations for State Government support measures that will restore the tourism and events sectors to their critical role in the Victorian economy and restore lost jobs.

Debate ensued.

Question — put and agreed to.

**7 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — MULTI PURPOSE TAXI PROGRAM** — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
- (2) the consideration of a mandatory maximum fare rate across all MPTP work;
- (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
- (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
- (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
- (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders.

*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.

**WORKSAFE — HOTEL QUARANTINE** — Ms Stitt having given answers to a question without notice and supplementary question relating to Worksafe and hotel quarantine —

On the motion of Mr O'Donohue, 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.

**AUDITOR-GENERAL'S REPORT ON GRANTS TO THE MIGRANT WORKERS CENTRE** — Ms Symes having given answers to a question without notice and supplementary question relating to the Auditor-General's Report on Grants to the Migrant Workers Centre —

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.

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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:

- **Social housing in regional Victoria** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 22 February 2021.
- **Duck shooting bag limit** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 22 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 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — MULTI PURPOSE TAXI PROGRAM** — Debate continued on the question, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
- (2) the consideration of a mandatory maximum fare rate across all MPTP work;
- (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
- (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
- (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
- (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders.

Ms Terpstra moved, as amendments, That —

1. In paragraph (6) **omit** “stakeholders.” and **insert** “stakeholders;”.
2. After paragraph (6) **insert**:
  - “(7) an assessment of the impact of the expansion on MPTP clients, taking into account feedback on the expansion from Victorians living with disability and the disability sector.”.

Debate ensued.

Question — That the amendments moved by Ms Terpstra be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than Friday, 18 February 2022, on the safety standards for members of the public that travel on the Multi Purpose Taxi Program (MPTP), including but not limited to —

- (1) a review of the minimum safety requirements for vehicles operating within the MPTP scheme;
  - (2) the consideration of a mandatory maximum fare rate across all MPTP work;
  - (3) an examination of how roorting and exploitation of vulnerable users will be prevented;
  - (4) an assessment of the financial impacts to services within the broader disability sector and how this will be managed;
  - (5) an examination of pathways for the industry to absorb major change post-COVID-19; and
  - (6) ensuring proper probity and good governance are applied following careful consideration and reporting of all possible ramifications of consultations with both industry and disability stakeholders;
  - (7) an assessment of the impact of the expansion on MPTP clients, taking into account feedback on the expansion from Victorians living with disability and the disability sector
- put and agreed to.

**11 OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**12 PRODUCTION OF DOCUMENTS — AUDITING HOTELS USED IN THE HOTEL QUARANTINE PROGRAM** — Ms Crozier moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all documents and information relating to the auditing of hotels used in the hotel quarantine program.

Debate ensued.

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

Question — put and agreed to.

**13 SUPPORT FOR SMALL LICENSED BUSINESSES** — Mr Finn (for Mr Davis) moved, That this House —

- (1) expresses concern at the State Government’s mismanagement of support programs for small licenced businesses, noting that at least 293 businesses were incorrectly paid and have been ordered to swiftly repay the department despite serious impacts on the viability of these small businesses resulting from COVID-19 restrictions;
- (2) calls on the Minister for Industry Support and Recovery, the Hon Martin Pakula MP, and the Minister for Small Business, the Hon Jaala Pulford MLC, to urgently meet with representatives of these impacted businesses; and
- (3) given the purpose of these grants is to support vulnerable businesses facing severe impacts caused by the COVID-19 crisis, further calls on the Government to pause their harsh claw back until these meetings have occurred at which point the Government would be in a position to craft a fairer regime.

*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 16 February 2021, the debate stood adjourned in the name of Mr Finn.*

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

**15 ADJOURNMENT** — Ms Pulford 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 6.31 p.m., adjourned until tomorrow.

ANNE SARGENT

*Acting Clerk of the Legislative Council*

## No. 94 — Friday, 19 February 2021

1 The President took the Chair at 9.20 a.m., read the Prayer and made an Acknowledgement of Country.

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

Municipal Association of Victoria — Report, 2019-20.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2017-18 and 2018-19 financial and performance outcomes.

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

Alpine, Alpine Resorts, Ararat, Ballarat, Banyule, Bass Coast, Baw Baw, Bayside, Benalla, Boroondara, Brimbank, Buloke, Campaspe, Cardinia, Casey, Central Goldfields, Colac Otway, Corangamite, Darebin, East Gippsland, Frankston, French Island and Sandstone Island, Gannawarra, Glen Eira, Glenelg, Golden Plains, Greater Bendigo, Greater Dandenong, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Hobsons Bay, Horsham, Hume, Indigo, Kingston, Knox, Latrobe, Loddon, Macedon Ranges, Manningham, Mansfield, Maribyrnong, Maroondah, Melbourne, Melton, Mildura, Mitchell, Moira, Monash, Moonee Valley, Moorabool, Moreland, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Nillumbik, Northern Grampians, Port of Melbourne, Port Phillip, Pyrenees, Queenscliffe, South Gippsland, Southern Grampians, Stonnington, Strathbogie, Surf Coast, Swan Hill, Towong, Wangaratta, Warrnambool, Wellington, West Wimmera, Whitehorse, Whittlesea, Wodonga, Wyndham, Yarra, Yarra Ranges, Yarriambiack Planning Schemes — Amendment GC175.

Cardinia Planning Scheme — Amendment C249.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 8 and 9.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

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

5 **SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until —

- (1) further consultation is undertaken with primary stakeholders, particularly The Police Association of Victoria, Ambulance Victoria and relevant health service providers;
- (2) a comprehensive, fully developed and funded support program to deal with alcohol affected individuals is agreed to by all stakeholders and is established and ready to operate; and



- (3) community safety concerns are addressed including the implementation of alternative police powers to manage public drunkenness.”.

Debate ensued.

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

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

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

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

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

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

- 9 SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS)**

**BILL 2020** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O’Donohue*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until —

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

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

The Council divided — The President in the Chair.

AYES, 9

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Mr Davis; Mr Finn; Ms Lovell; Mr O’Donohue; Mr Rich-Phillips.

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

NOES, 24

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

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

Question negatived.

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

The Council divided — The President in the Chair.

AYES, 24

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

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

NOES, 9

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

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

Question agreed to.

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

House in Committee.

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

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

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

Question — put and agreed to.

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

Question — put and agreed to.

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

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

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

Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

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

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

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

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

Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

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

Mr Davis moved, That the debate be adjourned until the Bill has been considered by the Legal and Social Issues Committee, and the Committee has held a hearing or hearings, taken evidence and reported by Tuesday, 2 March 2021, on the suitability of repeated long-term

extensions to the State of Emergency and whether directions made under the *Public Health and Wellbeing Act 2008* that relate to hotel quarantine, or other COVID-19 specific public health measures, might more suitably be supported by legislation specifically relating to hotel quarantine or those measures.

Debate ensued.

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

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

The Council divided — The President in the Chair.

AYES, 19

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

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

NOES, 14

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

Question agreed to.

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

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

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

Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

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

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

- 15 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.30 p.m., adjourned until Tuesday, 2 March 2021.

ANNE SARGENT  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 92, 93 and 94

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### WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020

*Committed Tuesday, 16 February 2021*

**Clauses 1 to 57** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

*Committed Tuesday, 16 February 2021*

*Amendments circulated: Mr Leane (p. 674), Dr Ratnam (p. 675)*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Leane moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Leane moved Amendment No. 2 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 8** — put and agreed to.

**Clause 9** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

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

NOES, 32

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

Clause 9 — put and agreed to.

**Clauses 10 to 28** — put and agreed to.

**New Clause** — Dr Ratnam moved Amendment No. 2.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.

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

NOES, 32

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

**Clauses 29 to 34** — put and agreed to.

**Clause 35** — Dr Ratnam moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

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

NOES, 33

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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.

**Clause 35** — Mr Leane moved Amendment No. 3 — put and agreed to.

Clause 35, as amended — put and agreed to.

**Clauses 36 to 57** — put and agreed to.

**Clause 58** — Dr Ratnam moved Amendment Nos. 5 and 6 — put and negatived.

Clause 58 — put and agreed to.

**Clauses 59 to 83** — put and agreed to.

**New Clause** — Mr Leane moved Amendment No. 4.

Question — That the New Clause stands part of the Bill — put and agreed to.

**Clause 84** — Mr Leane moved Amendment No. 5 — put and agreed to.

Clause 84, as amended — put and agreed to.

**Clauses 85 to 92** — put and agreed to.

**Clause 93** — Mr Leane moved Amendment No. 6 — put and agreed to.  
Clause 93, as amended — put and agreed to.

**Bill reported with amendments.**

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**SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS)  
BILL 2020**

*Committed Friday, 19 February 2021*

**Clauses 1 to 14** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

#### Amendments circulated by Mr Leane

1. Clause 2, line 26, omit "January" and insert "December".
2. Clause 3, after line 8 insert—

**"hotel and resort management contract** means, in relation to a hotel, resort or serviced apartment complex on land affected by an owners corporation—

- (a) a letting agreement to provide an on-site letting manager (being a manager who lives at the hotel, resort or serviced apartment complex who manages letting of accommodation at the hotel, resort or complex); or
- (b) a common property agreement (including but not limited to a lease or a licence) to use common property for the purposes of—
  - (i) operating an on-site letting business at the hotel, resort or serviced apartment complex; or

#### **Example**

Office, storage area or reception area.

- (ii) providing caretaking services at the hotel, resort or serviced apartment complex; or
- (c) a building maintenance or facilities management agreement to provide caretaking services at the hotel, resort or serviced apartment complex; or
- (d) any prescribed agreement or prescribed class of agreement relating to the management of a hotel, resort or serviced apartment complex by a third party;".

3. Clause 35, line 34, after "duration" insert ", unless the term is in a contract that is a hotel and resort management contract that complies with the prescribed requirements (if any)".

#### NEW CLAUSE

4. After clause 83 insert the following New Clause:

#### **'83A Regulations**

After section 204(1)(db) of the **Owners Corporations Act 2006** insert—

"(dc) prescribing for the purposes of section 67B(2) requirements for or in relation to hotel and resort management contracts or classes of hotel and resort management contracts, including but not limited to—

- (i) restricting the duration of those contracts;
- (ii) limiting or placing parameters on fees and charges under those contracts or increases on those fees and charges;
- (iii) prohibiting or regulating the inclusion of specified terms or conditions in those contracts;".

5. Clause 84, page 71, line 1, omit "January" and insert "December".
6. Clause 93, line 3, omit "January" and insert "December".



Amendments circulated by Dr Ratnam

1. Clause 9, lines 10 to 23, omit all words and expressions on these lines and insert—  

'An owners corporation may commence any legal proceeding if authorised to do so by ordinary resolution.'.

2. Insert the following New Clause to follow clause 28—

**'28A New section 52A inserted**

After section 52 of the **Owners Corporations Act 2006** insert—

**"52A Alteration to common property in relation to sustainability items only requires ordinary resolution**

- (1) Despite section 52 and any other provision of this Act, an owners corporation may by ordinary resolution approve the purchase and installation of sustainability items on the common property and the levying of fees on lot owners for that purpose.
- (2) Subject to subsection (3), the fees must be based on lot liability.
- (3) Fees for the purchase and installation of sustainability items carried out wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation must be levied on the basis that the lot owner of the lot that benefits more pays more.
- (4) In this section—

**sustainability item** means any thing that eliminates or reduces a reliance on non-sustainable energy sources and includes—

- (a) a solar hot water system; and
- (b) solar energy panels; and
- (c) a roof with colours having a particular solar absorption value and
- (d) a battery energy storage system.'.

3. Clause 35, line 30, after "appointment" insert "of a third party manager".
4. Clause 35, lines 31 and 32, omit "and benefits the applicant for registration".
5. Clause 58, page 49, line 23, omit 'value.' and insert "value; and".
6. Clause 58, page 49, after line 23 insert—  

'(d) a battery energy storage system.'.

