



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 80 — Tuesday, 10, November 2020

Proof Version

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- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow the following to occur —
 1. **Order of Business today**
The Order of Business today will be —
 - Messages
 - Questions
 - Answers to Questions on Notice
 - Constituency Questions (up to 15 Members)
 - Formal Business
 - Members' Statements (up to 15 Members)
 - Government Business
 - At 10.00 p.m.** Adjournment (up to 20 Members).
 2. **Order of Business on Wednesday this week**
The Order of Business tomorrow will be —
 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business (up to 6 hours, excluding divisions)
 - At 10.50 a.m.** Sitting suspended to recognise Remembrance Day
 - At 12.30 p.m.** Questions
 - Answers to Questions on Notice
 - Constituency Questions (up to 15 Members)
 - General Business (continues)
 - Statements on reports, papers and petitions (30 minutes)
 - Adjournment (up to 20 Members).
 3. **Sitting of the House on Thursday**
The sitting of the Council, on Thursday, 12 November 2020, to commence at 10.00 a.m.
Question — put and agreed to.
 - 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 4 November 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - Cladding Safety Victoria Act 2020*
 - Consumer Legislation Amendment Act 2020*

Education and Training Reform Amendment (Regulation of Student Accommodation) Act 2020

Worker Screening Act 2020.

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

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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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:

- **Crown Casino license** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Thursday, 12 November 2020.
- **Police tactics for rallies** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Thursday, 12 November 2020.
- **Melbourne Cup racehorse euthanasia processes** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Thursday, 12 November 2020.

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

6 PETITION — KEEP THE BAN ON CAMPING ON LICENSED WATER FRONTAGE — Mr O'Donohue presented a Petition bearing 3,168 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove clause 49 from the Parks and Crown Land Legislation Amendment Bill 2019 or amend the clause to implement a permit system managed by the Department of Environment, Land, Water and Planning, that limits the number of campers or campsites permitted on the river frontage, requires landholder permission, manages accountability and biosecurity through mandatory registration, prohibits animals and firearms and mitigates the risk to road users and stock when gates are left open allowing stock onto public roads.

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. 11 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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COVID-19 HOTEL QUARANTINE INQUIRY — INTERIM 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, Interim Report and Recommendations, November 2020.

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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:

Duties Act 2000 — Treasurer's Reports of —

Concessions and exemptions arising out of corporate consolidations for 2019-20, under section 250DD(5) of the Act.

Concessions and exemptions arising out of corporate reconstructions for 2019-20, under section 250B(4) of the Act.

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster — Coronavirus (COVID-19) pandemic — Report 4, pursuant to section 23(7) of the Act.

Inquiries Act 2014 — Report of the Royal Commission into National Natural Disaster Arrangements, pursuant to section 37(1)(a) of the Act.

Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 2019-20, under sections 3B and 3BA of the Act.

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order 2021.

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

Bayside Planning Scheme — Amendment C174.

Greater Shepparton Planning Scheme — Amendment C215.

Melbourne Planning Scheme — Amendment C377.

Victoria Planning Provisions — Amendment VC191.

Whittlesea Planning Scheme — Amendment C230.

Statutory Rules under the following Acts of Parliament —

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 120.

Road Safety Act 1986 — No. 121.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 93, 99, 106, 111 and 118 to 120.

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PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

National Energy Legislation Amendment Act 2020 — Whole Act (except Part 3 and Division 2 of Part 4) — 27 October 2020 (*Gazette No. S546, 27 October 2020*).

8 PRODUCTION OF DOCUMENTS — PUBLIC HEALTH AND OTHER ORDERS — The Clerk laid on the Table a letter from the Attorney-General, dated 6 November 2020, in response to the Resolution of the Council of 30 October 2020, relating to public health and other orders, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

9 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE — The Clerk laid on the Table one document in full and one document in part and a letter from the Attorney-General, dated 9 November 2020, in response to the Resolution of the Council of 4 March 2020 relating to the Melbourne Airport Rail Link Strategic Business Case, advising that three documents had been identified and a claim of executive privilege was made over one document in full and one document in part.

10 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 11 November 2020 —

- (1) the notice of motion given this day by Mr Davis in relation to the Chinese Government's block on Victorian exports;
- (2) Order of the Day No. 24, resumption of debate on the motion relating to establishing a joint select committee inquiry to inquire into international treaties;
- (3) the notice of motion given this day by Dr Bach in relation to the impact of school closures;
- (4) Notice of Motion No. 408 standing in the name of Dr Ratnam relating to a Green New Deal for Victoria;
- (5) the notice of motion given this day by Mr Bourman in relation to native timber;
- (6) Notice of Motion No. 367 standing in the name of Mr Grimley relating to the underreporting of sexual assault cases; and
- (7) Notice of Motion No. 417 standing in the name of Mr Grimley referring a matter to the Procedure Committee relating to photography in the Chamber.

Question — put and agreed to.

11 LEGAL AND SOCIAL ISSUES COMMITTEE — TABLING OUT OF SESSION — INQUIRY INTO THE VICTORIAN GOVERNMENT'S COVID-19 CONTACT TRACING SYSTEM AND TESTING REGIME — Ms Patten moved, by leave, That if the Legal and Social Issues Committee proposes to transmit a report for the Inquiry into the Victorian Government's COVID-19 contact tracing system and testing regime 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.

12 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.

13 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 409, be postponed until later this day.

14 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) 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 O'Donohue and Dr Ratnam were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; 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, 17

Dr Bach; Mr Barton; 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)

Question 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 —

[Sitting suspended from 6.30 p.m. to 7.30 p.m.]

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.

15 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020 — The Order having been read for the resumption of debate 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 and passed.

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

16 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 9.24 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council