



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 80, 81 and 82

No. 80 — Tuesday, 10 November 2020

- 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 reconstructions for 2019-20, under section 250B(4) of the Act.

Exemptions arising out of corporate consolidations for 2019-20, under section 250DD(5) 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 (*EOD34C and EOD35C*), Dr Ratnam (*SR43C*) and Ms Tierney (*GT02C-1*) 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 of the Day 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

No. 81 — Wednesday, 11 November 2020

1 The President took the Chair at 9.35 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 Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 7 October 2020 giving approval to the granting of a licence at Knox Community Gardens Reserve.

Public Health and Wellbeing Act 2008 — Report to Parliament on the Extensions of the Declaration of a State of Emergency, pursuant to section 198(8A) of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 121.

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 CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS — Mr Davis moved, That this House —

(1) notes —

(a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;

(b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;

(c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;

(d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;

(2) calls on the Andrews Labor Government to —

(a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and

(b) rebuke the Chinese Communist Government over its deliberate and damaging actions.

Debate ensued.

Business having been interrupted at 10.50 a.m. pursuant to an Order of the Council of 10 November 2020 —

[Sitting suspended from 10.50 a.m. to 12.30 p.m.]

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

IMPACT OF MASK WEARING REGULATIONS ON WODONGA SMALL BUSINESSES —

Ms Pulford having given answers to a question without notice and supplementary question relating to the impact of mask wearing regulations on Wodonga small businesses —

On the motion of Ms Crozier, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued.

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

- **Hume and Wyndham Councils – COVID-19 testing resources** — substantive and supplementary questions asked by Ms Crozier — response from Mr Leane due Thursday, 12 November 2020.
- **Children in out-of-home care** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Friday, 13 November 2020.
- **Bushfire fuel loads** — substantive and supplementary questions asked by Mr Quilty — response from Mr Leane due Friday, 13 November 2020.
- **Veterans' transitional service hub** — substantive and supplementary questions asked by Dr Cumming — response from Mr Leane due Thursday, 12 November 2020.
- **Protection for gig economy workers** — substantive question asked by Mr Barton — response from Ms Symes due Friday, 13 November 2020.

6 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.

7 CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS — Debate continued on the question, That this House —

(1) notes —

- (a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;
- (b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;
- (c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;
- (d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;

(2) calls on the Andrews Labor Government to —

- (a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and
- (b) rebuke the Chinese Communist Government over its deliberate and damaging actions.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 21

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

8 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, General Business, No. 1, and Notice of Motion, General Business, No. 424, be postponed until later this day.

9 GREEN NEW DEAL FOR VICTORIA — Dr Ratnam moved, That this House —

- (1) supports a Green New Deal for Victoria;
- (2) notes that 2020 has been an extremely difficult year for Victorians, starting with horrendous bushfires and followed by the COVID-19 pandemic;
- (3) further notes that increasing unemployment due to the COVID-19 pandemic, as well as climate change and rising economic inequality, are key challenges facing Victoria into the future;
- (4) acknowledges that the upcoming State Budget must provide for a plan to build Victoria back better, with significant investment from the Government to create jobs and build a caring society and clean economy;
- (5) calls on the Government to create tens of thousands of good quality new jobs through investing in —
 - (a) publicly-owned renewable energy and storage projects to address climate change and transitioning Victoria away from fossil fuels;
 - (b) a big build of new public housing to help end homelessness;
 - (c) employing more educators, healthcare workers, nurses, and social support workers so all Victorians can get the care they need;
 - (d) restoring our precious natural environment by regenerating bushfire-affected areas, protecting threatened species, and planting trees and native vegetation;
 - (e) walking, bike riding and public transport to cut traffic and reduce emissions;
 - (f) reviving our main shopping streets to support jobs in retail, hospitality and services; and
 - (g) a recycling revolution to reduce waste and protect our waterways and wildlife.

Debate ensued.

Mr Finn moved, as amendments —

1. **Omit** paragraph (1).
4. In paragraph (5)(g) **omit** “wildlife.” and **insert** the following in its place:

“wildlife; and

 - (h) significant infrastructure projects, including transport infrastructure, particularly projects that are shovel-ready with completed and available business cases, that can generate jobs quickly.”.

Debate ensued.

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

Question — That amendment No. 1 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips.

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

NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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.

Question — That amendment No. 4 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Rich-Phillips.

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

NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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.

Original question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; 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)

NOES, 15

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

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

Question agreed to.

10 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENT — Debate resumed on the question, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
 - (a) whether the two agreements between the People's Republic of China and the Victorian Government, also known as the 'Belt and Road Initiative', are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
 - (b) the details and background of the proposed further agreement linked to the 'Belt and Road Initiative' and whether these are in the public interest of all Victorians;
 - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia's foreign affairs and trade;
 - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government may seek to sign and report to the Parliament in a timely way to keep the Parliament of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;
- (2) the Committee shall consist of —
 - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
 - (b) four Council Members, comprising two Members from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;

- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
- (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

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

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

NOES, 22

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

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

Question negatived.

11 NATIVE TIMBER — Mr Bourman moved, That this House notes that —

- (1) the Government has committed to ending the native timber industry by 2030, with the apparent aim being to have it replaced by plantation timber at that time;
- (2) it will take in excess of 50 years, probably closer to 80 years for plantation timber to reach the same quality as current native timber harvesting;
- (3) given the devastating economic effects of the COVID-19 pandemic, jobs are critical, particularly in regional areas;

and calls on the Government to abandon ending the native timber industry and instead nurture what is one of the most highly regulated timber industries in the world which produces timber of unparalleled quality.

Debate ensued.

On the motion of Mr Barton, the debate was adjourned until the next day of meeting.

12 UNDERREPORTING OF SEXUAL ASSAULT CASES — Mr Grimley moved, That this House —

- (1) notes that —
 - (a) the 2016 *Personal Safety Survey* recorded that only one in ten women who had experienced a form of sexual assault by a male contacted the police to report the offending;
 - (b) the experiences of victims and survivors are not often considered when proposing reforms to Victoria's legal system;
 - (c) the underreporting of sexual offending and sexual assault cases is not the result of any individual cause;
 - (d) some victims withdraw sexual abuse charges due to the lack of support or belief in the reporting process and feeling pressure from the offender or family in the process;
 - (e) as the gatekeepers to the pursuit of legal action in a sexual assault, training of Sexual Offences and Child Abuse Investigation Team officers, which considers the complex relationships and trauma experienced by the victim, is fundamental to providing positive outcomes for victims, therefore combatting rates of attrition and non-reporting;
 - (f) it is impossible to determine responses to underreporting without the centralised recording of reasons for the withdrawal of sexual assault cases;
- (2) calls on the Andrews Government to —

- (a) create a centralised and publicly available database of victim's experiences and complaints when pursuing sexual offending charges; and
- (b) undertake authoritative investigation into the specific causes of low rates of reporting and high rates of attrition at each stage of progress through the legal system and consequent reform recommendations.

Debate ensued.

Mr O'Donohue moved, as an amendment, That paragraph (2)(a) be **omitted** with a view of **inserting** the following in its place:

“(a) task the Victorian Crime Statistics Agency with providing further publicly available information, based on the COVID-19 Family Violence Data Portal, on sexual assault offending throughout Victoria, including details of underreporting, investigation outcomes, support agency engagement and options for victim reports; and”.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to an Order of the Council of 10 November 2020, had elapsed —

Ordered, by leave, that time allocated for General Business be extended to conclude the debate.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; 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 Elasmarr; Mr Erdogan; Mr Gepp; 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 negated.

Original question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; 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 Elasmarr; Mr Erdogan; Mr Gepp; 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 negated.

13 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020 — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

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

- 15 ADJOURNMENT** — The President proposed the question, 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 8.29 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 82 — Thursday, 12 November 2020

- 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 the Environment and Planning, effective from 11 November 2020.
Ms Symes moved, by leave, That Mr Grimley be a member of the Standing Committee on the 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, under section 8(3) of the Act (*Gazette No. G44, 5 November 2020*).
 - Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under 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, under section 30L, by the —
 - Game Management Authority.
 - Victorian Fisheries Authority.
 - Terrorism (Community Protection) Act 2003 — Report, 2019-20 by Victoria Police, under section 37F.
- 5 **SITTING OF THE COUNCIL** — Ms 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 (*JB16C*), Mr Davis (*DD28C*) and Mr Leane (*SL01C*) 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.

* * * * *

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 Elasmarr; 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 Elasmarr; 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 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; 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 (CO01C) 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 Victorian Civil and Administrative Tribunal Act 1998 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

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 80, 81 and 82

JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020

Committed Tuesday, 10 November 2020

Amendments circulated: Mr O'Donohue (EOD34C and EOD35C) (p. 608), Dr Ratnam (SR43C) (p. 608) and Ms Tierney (GT02C-1 and GT02C-2) (pp. 608-9)

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr O'Donohue moved Amendment No. 1 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

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

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

NOES, 15

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Melhem; Ms Pulford; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

Question agreed to.

Mr O'Donohue moved Amendment No. 2 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr 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)

Question negated.

Mr O'Donohue moved Amendment No. 3 (EOD34C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr 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)

Question negatived.

Clause 3, as amended — put and agreed to.

Clause 4 — Ms Tierney moved that clause 4 be postponed — put and agreed to.

Clauses 5 to 50 — put and agreed to.

Clause 51 — Mr O'Donohue moved Amendment No. 1 (*EOD35C*) — put and agreed to.

Clauses 52 to 55 — put and agreed to.

Ms Tierney circulated Amendments (*GT02C-2*) to replace her previously circulated Amendments (*GT02C-1*).

Postponed Clause 4 — Ms Tierney moved Amendment Nos. 1 to 3 (*GT02C-2*) — put and agreed to.

Clause 4, as amended — put and agreed to.

Bill reported with amendments.

* * * * *

**SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS)
AMENDMENT BILL 2020**

Committed Tuesday, 10 November 2020

Clauses 1 to 55 — put and agreed to.

Bill reported without amendment.

* * * * *

PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019

Committed Thursday, 12 November 2020

Amendments circulated: Mr Bourman (JB16C) (p. 609), Mr Davis (DD28C and DD51C) (pp. 609-10) and Mr Leane (SL01C) (pp. 610-11)

Mr Davis circulated Amendments (*DD51C*) to replace his previously circulated Amendments (*DD28C*).

Clause 1 — Mr Leane moved Amendment No. 1 (*SL01C*) — put and agreed to.

Clause 1, as amended — put and agreed to.

Clause 2 — Mr Leane moved Amendment No. 2 (SL01C) — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 35 — put and agreed to.

New Clause — Mr Leane moved Amendment No. 3 (SL01C).

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

Clause 36 — Mr Leane moved Amendment No. 4 (SL01C) — put and agreed to.

Clause 36, as amended — put and agreed to.

Clauses 37 to 48 — put and agreed to.

Clause 49 — Mr Davis moved Amendment Nos. 1 to 3 (DD51C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

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

NOES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Melhem; 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.

Mr Bourman moved Amendment No. 1 (JB16C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Melhem; 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)

NOES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

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

Question agreed to.

Clause 49, as amended — put and agreed to.

Clauses 50 and 51 — put and agreed to.

Clause 52 — Mr Leane moved Amendment Nos. 5 to 7 (SL01C) — put and agreed to.

Mr Leane moved Amendment No. 8 (SL01C) — put and agreed to.

Clause 52, as amended — put and agreed to.

Clauses 53 to 116 — put and agreed to.

Clause 117 — Mr Leane moved Amendment No. 9 (*SL01C*) — put and agreed to.
 Clause 117, as amended — put and agreed to.

Bill reported with amendments.

* * * * *

MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020

Committed Thursday, 12 November 2020

Amendments circulated: Mr Bourman (JB15C) (p. 611) and Mr Ondarchie (CO01C) (p. 612)

Amendments proposed to be moved in Committee by Mr Bourman (*JB15C*) were circulated.

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr Bourman moved Amendment Nos. 1 and 2 (*JB15C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; 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 Ondarchie moved Amendment No. 1 (*CO01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; 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 Bourman moved Amendment No. 3 (*JB15C*) — put and agreed to.

Mr Ondarchie moved Amendment No. 4 (*CO01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 21

Dr Cumming; Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; 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 Bourman moved Amendment No. 4 (*JB15C*) — put and agreed to.

Mr Ondarchie moved Amendment Nos. 5 and 6 (*JB15C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 20

Mr Elasmar; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; 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 3, as amended — put and agreed to.

Clauses 4 to 6 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020***Amendments circulated by Mr O'Donohue (EOD34C)*

1. Clause 3, page 5, lines 16 to 26, omit all words and expressions on these lines and insert—
 - '(b) for "whether or not a proceeding in respect of the alleged offence is pending in a court" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined".'
2. Clause 3, page 5, lines 29 to 31, omit all words and expressions on these lines and insert—

"(1B) Subsection (1A) does not apply if either or both of the following is the case—

 - (a) no complaint about the alleged offence had been made to a police officer;
 - (b) the person against whom the sexual offence was committed, or was alleged to have been committed, is deceased."
3. Clause 3, page 8, lines 15 to 35 and page 9, lines 1 and 2, omit all words and expressions on these lines and insert—
 - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
 - (b) that it is in the public interest to make the order."

Amendments circulated by Mr O'Donohue (EOD35C)

1. Clause 51, page 47, after line 15 insert—

"(3A) The Secretary must publish an agreement or arrangement entered into under subsection (2) on the Department's website."

Amendments circulated by Dr Ratnam (SR43C)

1. Clause 3, page 5, lines 16 to 26, omit all words and expressions on these lines and insert—
 - '(b) for "whether or not a proceeding in respect of the alleged offence is pending in a court" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined".'

Amendments circulated by Ms Tierney (GT02C-1)

1. Clause 4, line 3, after "**4A**" insert "**and section 4B**".
2. Clause 4, line 24, omit 'publication.'" and insert "publication."
3. Clause 4, after line 24 insert—

'4B Repeal of certain provisions on 1 September 2021

On 1 September 2021—

- (a) in section 4(1A) of the **Judicial Proceedings Reports Act 1958**—
 - (i) for "whether or not—" **substitute** "whether or not a proceeding in respect of the alleged offence or offence has commenced, is being conducted or has been finally determined.";

- (ii) paragraphs (a) and (b) are **repealed**; and
- (b) for section 4(1BF)(a) and (b) of the **Judicial Proceedings Reports Act 1958** **substitute**—
 - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
 - (b) that it is in the public interest to make the order."; and
- (c) in section 4(1BG)(b)(i) of the **Judicial Proceedings Reports Act 1958** for "a living" **substitute** "an".".

Amendments circulated by Ms Tierney (GT02C-2)

1. Clause 4, line 3, after "4A" insert "**and section 4B**".
2. Clause 4, line 24, omit 'publication.'" and insert "publication.".
3. Clause 4, after line 24 insert—

'4B Repeal of certain provisions on 1 September 2021

On 1 September 2021—

- (a) for section 4(1BF)(a) and (b) of the **Judicial Proceedings Reports Act 1958** **substitute**—
 - "(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
 - (b) that it is in the public interest to make the order."; and
- (b) in section 4(1BG)(b)(i) of the **Judicial Proceedings Reports Act 1958** for "a living" **substitute** "an".".

2. PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019

Amendments circulated by Mr Bourman (JB16C)

1. Clause 49, line 28, omit "purposes." and insert—
 - "purposes.

Note

Licensed water frontage land does not include certain Crown land, including leased Crown land, or freehold land.".

Amendments circulated by Mr Davis (DD28C)

1. Insert the following New Clause to follow clause 49—
 - '49A New section 401B inserted**

After section 401A of the **Land Act 1958** insert—

"401B Permission of licensee required to camp on licensed water frontage

A person must not camp on a licensed water frontage unless the person has obtained permission from the licensee.

Penalty: 10 penalty units.".

Amendments circulated by Mr Davis (DD51C)

1. Clause 49, line 25, before "Subject" insert "(1)".
2. Clause 49, line 28, omit "purposes." and insert "purposes."
3. Clause 49, after line 28 insert—
 - '(2) Despite subsection (1), a person must not camp on a licensed water frontage unless the person has obtained permission from the licensee.

Penalty: 10 penalty units."

Amendments circulated by Mr Leane (SL01C)

1. Clause 1, page 2, lines 14 to 16, omit "in respect of licensed and unlicensed water frontages" and insert "for recreational uses of certain land abutting watercourses".
2. Clause 2, line 16, omit "December 2020" and insert "September 2021".
3. Insert the following New Clause to follow clause 35—

'35A Definitions

In section 2A of the **Land Act 1958**—

- (a) **insert** the following definitions—

"licensed water frontage means water frontage which is under a licence under Division 8 of Part I or section 138;

municipal council has the same meaning as **Council** has in the **Local Government Act 2020**;

Parks Victoria has the same meaning as in the **Parks Victoria Act 2018**;

regulated watercourse land means Crown land within 200 metres of the bank of a watercourse within the meaning of Part XII which is not any one or more of the following—

- (a) under a lease or a residence area right;
- (b) vested in trustees or in a municipal council;
- (c) placed under the control of a public authority other than the Secretary or Parks Victoria;
- (d) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**;

water frontage means Crown land (including land temporarily or permanently reserved)—

- (a) which has a frontage to the sea or a watercourse within the meaning of Part XII; and
- (b) which is not under a lease, licence or residence area right; and
- (c) which is not reserved as a water reserve along any public road under the **Crown Land (Reserves) Act 1978**; and
- (d) which is not—
 - (i) vested in trustees or in a municipal council; or
 - (ii) placed under the control of a public authority other than Parks Victoria; or
 - (iii) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**."

(b) in the definition of **Traditional Owner Land Management Board**, for "1987." substitute "1987;".

4. Clause 36, lines 5 to 10, omit all words and expressions on these lines and insert—

'In section 3(1) of the **Land Act 1958**—

 - (a) the definitions of **fence**, **Parks Victoria** and **water frontage** are **repealed**;
 - (b) in the definition of **unused road**, for "400(1);" substitute "400(1).".
5. Clause 52, lines 14 and 15, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
6. Clause 52, lines 18 and 19, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
7. Clause 52, lines 23 and 24, omit "water frontages and licensed water frontages" and insert "regulated watercourse land".
8. Clause 52, after line 28 insert—

'(3) After section 413(4) of the **Land Act 1958** insert—

"(5) Regulations made under this Act may—

 - (a) leave any matter or thing to be decided by a specified person or class of person; and
 - (b) provide for the exemption of persons or a class of persons from any of the regulations.".
9. Clause 117, line 3, omit "December 2021" and insert "September 2022".

3. MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020

Amendments circulated by Mr Bourman (JB15C)

1. Clause 3, after line 22 insert—

"(ab) all money received in relation to recreational vessels or use of recreational vessels under this Act; and".
2. Clause 3, lines 25 and 26, omit "this Act or any other Act" and insert "any Act other than this Act".
3. Clause 3, page 4, lines 11 to 13, omit all words and expressions on these lines and insert—

"(c) the purposes and allocation of any money paid out of the Better Boating Fund, including—

 - (i) a description of the project or program to which the money has been allocated; and
 - (ii) if the allocation of money relates to the establishment, upgrade, maintenance or repair of a boating facility, the location of the boating facility;".
4. Clause 3, page 5, after line 6 insert—

"(3A) The report published under subsection (3) must remain on the internet site administered by the Department until the report for the next financial year is published under that subsection.".

Amendments circulated by Mr Ondarchie (CO01C)

1. Clause 3, page 4, line 8, after "Fund" insert "and the sources of all that money".
2. Clause 3, page 4, lines 11 to 13, omit all words and expressions on these lines and insert—
 - "(c) the purposes and allocation of any money paid out of the Better Boating Fund, including any amount allocated and expended for—
 - (i) the provision of boating facilities (by project); and
 - (ii) the maintenance of boating facilities; and
 - (iii) the provision of boating services to the public; and
 - (iv) the conduct of boating safety programs for the public that relate to the safe use of recreational vessels or the safe use of State waters; and
 - (v) the conduct of boating safety programs for the public relating to matters to which subparagraph (iv) does not apply; and
 - (vi) the conduct of boating education programs for the public; and
 - (vii) the conduct of boating promotion programs for the public; and
 - (viii) the purpose of covering the costs and expenses incurred in administering this Part and in monitoring and reporting on the financial operations and financial position of the Better Boating Fund; and
 - (ix) any other purpose (which must be specified);".
3. Clause 3, page 4, line 17, after "received" insert "and paid into the Better Boating Fund".
4. Clause 3, page 4, after line 32 insert—
 - "(2A) On or before the 7th sitting day after the Minister receives the report under subsection (1), the Minister must ensure that a copy of the report is laid before each House of the Parliament."
5. Clause 3, page 5, line 10, omit '**1994**.'" and insert "**1994**".
6. Clause 3, page 5, after line 10 insert—

'271I Payment of registration fees into the Better Boating Fund

Fees received under this Act in relation to the registration, renewal and transfer of registration of recreational vessels must be paid into the Better Boating Fund.

271J Payment of licence fees into the Better Boating Fund

Fees received under this Act in relation to the grant, renewal and endorsement of marine licences must be paid into the Better Boating Fund.".'