



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 72, 73, 74 and 75

No. 72 — Tuesday, 13 October 2020

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC
GOVERNOR OF VICTORIA
TO THE HONOURABLE NAZIH ELASMAR MLC
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria
on this day of 29 September 2020

LINDA DESSAU
Governor

(L.S.)

By Her Excellency's Command
DANIEL ANDREWS MP
Premier

- 3 **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. **Sitting of the House on Thursday**

The sitting of the Council, on Thursday, 15 October 2020, to commence at 10.00 a.m.

Question — put and agreed to.

- 4 TEMPORARY ORDER RELATING TO UPPER GALLERIES RESCINDED** — Ms Symes moved, by leave, That the temporary order agreed to by the House on 15 September 2020 defining the upper galleries as part of the Chamber be rescinded.

Question — put and agreed to.

- 5 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 22 September 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Act 2020

Retail Leases Amendment Act 2020.

- 6 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the COVID-19 Omnibus (Emergency Measures) Act 2020 and other Acts to extend the operation of temporary modifications to the law of Victoria enacted for the purpose of responding to the COVID-19 pandemic and to provide for new temporary modifications to the law of Victoria for the purpose of responding to, and relating to, 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.

Pursuant to Standing Order 14.34, Ms Symes declared the Bill to be an urgent Bill and moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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 Rich-Phillips, the debate was adjourned until later this day.

- 7 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and to make related amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Leane), 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 Rich-Phillips, the debate was adjourned until the next day of meeting.

- 8 POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Police Act 2013, the Crimes Act 1958, the Family Violence Protection Act 2008, the Sheriff Act 2009 and the Fire Rescue Victoria Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), 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 Rich-Phillips (for Mr O'Donohue), the debate was adjourned until the next day of meeting.

9 RESIGNATION OF MEMBER — The President announced that he had received a letter from the Governor advising that she had received from the Honourable Jenny Mikakos, on Saturday, 26 September 2020, her written resignation as a Member of the Victorian Legislative Council.

10 JOINT SITTING — CASUAL COUNCIL VACANCY — Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos and proposes that the time and place of such a meeting be the Legislative Assembly Chamber today, Tuesday, 13 October 2020 at 1.30 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

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

WORKSAFE INVESTIGATIONS INTO HOTEL QUARANTINE — Ms Stitt having given answers to a question without notice and supplementary question relating to WorkSafe investigations into 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 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:

- **Ambulance response times – GoodSAM app** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 15 October 2020.
- **Public housing waiting list** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Thursday, 15 October 2020.
- **Bushfire hazard reduction targets** — substantive question asked by Mr Bourman — response from Mr Leane due Thursday, 15 October 2020.

12 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.

13 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP — The President read a letter from Ms Taylor resigning from the Scrutiny of Acts and Regulations Committee, pursuant to section 21 of the Parliamentary Committees Act 2003, effective from today.

14 PETITIONS —

ALLOW WEDDINGS UNDER COVID-19 RESTRICTIONS — Mr Atkinson presented a Petition bearing 83 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the stage 4 COVID-19 restrictions banning weddings.

Ordered to lie on the Table.

On the motion of Mr Atkinson, the petition was ordered to be taken into consideration on the next day of meeting.

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REMOVE THE FIVE-KILOMETRE RADIUS RESTRICTION FOR EXERCISE DURING COVID-19 — Ms Patten presented a Petition bearing 1,545 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the COVID-19 five-kilometre radius restriction to allow Victorians living within the Metropolitan Melbourne area to exercise beyond a person's restricted radius within the permitted two-hour window, so that social distancing practices can be maintained while exercising.

Ordered to lie on the Table.

WEST GATE TUNNEL CONTAMINATED SOIL — Mr Finn presented a Petition bearing 3,511 signatures from certain citizens of Victoria requesting that the Legislative Council reject all proposals made by Transurban, Hi-Quality Victoria Pty Ltd., or any other organisation, to dispose of contaminated soil at the Hi-Quality Eco-hub tip in the interest of the nearby large residential growth area, to stop the current and planned excessive truck movements before lives are taken on a road that was planned and built for traffic conditions that existed 140 years ago and to call on the Minister for Planning, the Hon Richard Wynne MP, to refuse any changes to the Hume Planning Scheme or the current operators' permit conditions.

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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CLARIFY GOALS OF COVID-19 RESPONSE — Dr Cumming presented a Petition bearing 569 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide more clarity on the short and long-term goals, plan and criteria used to determine the success of both the COVID-19 response and for ensuring the physical, social, mental and economic health of Victorians.

Ordered to lie on the Table.

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HARSHER PENALTIES FOR CHILD ABUSE PERPETRATORS — Mr Grimley presented a Petition bearing 505 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider introducing harsher penalties for child abuse perpetrators, with minimum sentencing longer than 20 years.

Ordered to lie on the Table.

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VOTE AGAINST THE COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020 — Mr Limbrick presented a Petition bearing 3,552 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020.

Ordered to lie on the Table.

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VOTE AGAINST THE POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020 — Mr Limbrick presented a Petition bearing 647 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Police and Emergency Legislation Amendment Bill 2020.

Ordered to lie on the Table.

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RELIEF FOR VEHICLE REGISTRATION FEES DURING COVID-19 — Mr Limbrick presented a Petition bearing 434 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Transport to provide relief for Victorians and their vehicle registration fees.

Ordered to lie on the Table.

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COVID-19 SAFE PLAN FOR RE-OPENING SWIMMING POOLS — Mr Limbrick presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to create and implement a COVID-19 Safe Plan for indoor and outdoor swimming pools so that pools can re-open in a safe and secure manner.

Ordered to lie on the Table.

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CHANGE COVID-19 RESTRICTIONS FOR THE BEAUTY INDUSTRY — Ms Lovell presented a Petition bearing 1,169 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to bring the restrictions placed on the beauty industry into alignment with the restrictions on hairdressing and retail providers.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

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ONLINE TESTING FOR LEARNER PERMITS — Ms Lovell presented a Petition bearing 2,834 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Department of Transport to change the current learner permit testing system to an online testing system so all young Victorians can have the opportunity to obtain their licences during the COVID-19 restrictions.

Ordered to lie on the Table.

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RE-OPEN BEAUTY SALONS — Ms Lovell presented a Petition bearing 2,001 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health, the Honourable Jenny Mikakos, and the Department of Health and Human Services to allow beauty salons to re-open when hairdressers do under COVID-19 rules.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

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REMOVE THE FIVE-KILOMETRE RADIUS COVID-19 RESTRICTION FOR THE MORNINGTON PENINSULA — Mr O'Donohue presented a Petition bearing 177 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to remove the five-kilometre radius COVID-19 restriction in the Mornington Peninsula immediately to give everyone the opportunity to maintain social connections and their mental wellbeing.

Ordered to lie on the Table.

On the motion of Mr O'Donohue, the petition was ordered to be taken into consideration on the next day of meeting.

15 PAPERS —

VICTORIAN GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS REPORT, 2018-19 — Ms Stitt moved, by leave, That there be laid before this House a copy of The Victorian Government response to the Community Visitors Report, 2018-19, September 2020.

Question — put and agreed to.

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

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INSPECTOR-GENERAL FOR EMERGENCY MANAGEMENT'S REPORT ON THE INQUIRY INTO THE 2019-20 VICTORIAN FIRE SEASON – PHASE 1 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management's Report on the Inquiry into the 2019-20 Victorian fire season – Phase 1.

Question — put and agreed to.

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

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 9 of 2020 (including Appendices and a Minority Report) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

Mr Gepp moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

OMBUDSMAN — INVESTIGATION INTO CORPORATE CREDIT CARD MISUSE AT WARRNAMBOOL CITY COUNCIL — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into corporate credit card misuse at Warrnambool City Council, October 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:

Auditor-General's Report on Victoria's Homelessness Response, September 2020 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 20 September 2020 giving approval to the granting of a lease at Lakeside Stadium Reserve.

Minister's Order of 30 August 2020 giving approval to the granting of a lease at Royal Park Reserve.

Minister's Order of 11 September 2020 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Minister's Order of 17 September 2020 giving approval to the granting of a licence at Domain Parklands Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 83 (Gazette No. G39, 1 October 2020).

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

Ballarat Planning Scheme — Amendment C216 (Part 2).

Bayside Planning Scheme — Amendment C126.

Boroondara Planning Scheme — Amendment C321.

Cardinia Planning Scheme — Amendment C241.

Casey Planning Scheme — Amendment C277.

Corangamite Planning Scheme — Amendment C52.

Greater Dandenong Planning Scheme — Amendment C226.

Greater Geelong Planning Scheme — Amendment C420.

Macedon Ranges Planning Scheme — Amendment C134.

Maroondah Planning Scheme — Amendment C143.

Melbourne Planning Scheme — Amendments C368 and C386.

Moonee Valley Planning Scheme — Amendment C214.

Moreland Planning Scheme — Amendments C206 and C174 (Part 1).

Mount Alexander Planning Scheme — Amendment C93.

Moyne Planning Scheme — Amendment C66.

Stonnington Planning Scheme — Amendment C310.

Victoria Planning Provisions — Amendment VC169 and VC183.

Warrnambool Planning Scheme — Amendment C206.

Yarra Planning Scheme — Amendments C231 (Parts 1 and 3), C284 and C285.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 101.

Bus Safety Act 2009 — No. 102.

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 107.

Gender Equality Act 2020 — No. 97.

Local Government Act 2020 — City of Melbourne Act 2001 — No. 100.

Magistrates' Court Act 1989 — No. 94.

Occupational Health and Safety Act 2004 — No. 106.

Port Management Act 1995 — No. 108.

Public Health and Wellbeing Act 2008 — Nos. 93 and 99.

Residential Tenancies Act 1997 — No. 95.

Road Safety Act 1986 — Nos. 96 and 105.

Supreme Court Act 1986 — No. 98.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 103 and 109.

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 104.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 83, 90, 94, 96, 98, 100, 102 to 105 and 107 to 109.

Legislative instruments and related documents under section 16B in respect of a Minister's instrument of 28 September 2020 specifying content of training requirements under the Gambling Regulations 2015.

Victorian Government Purchasing Board — Report, 2019-20.

Victorian Local Government Grants Commission — Allocation Report, year ended 31 August 2020.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Act 2020 — Division 1 of Part 2 — 29 September 2020 (*Gazette No. S494, 29 September 2020*).

Emergency Management Legislation Amendment Act 2018 — Parts 3 and 4 — 30 September 2020 (*Gazette No. S494, 29 September 2020*).

Justice Legislation Amendment (Police and Other Matters) Act 2019 — sections 50 and 51 — 16 September 2020 (*Gazette No. S465, 15 September 2020*).

Petroleum Legislation Amendment Act 2020 — Section 28 — 6 October 2020 (*Gazette No. S504, 6 October 2020*).

16 PRODUCTION OF DOCUMENTS — DECISION TO IMPOSE A COVID-19 CURFEW — The Clerk laid on the Table a letter from the Attorney-General, dated 18 September 2020, in response to the Resolution of the Council of 16 September 2020, relating to the decision to impose a COVID-19 curfew, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

On the motion of Mr Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

17 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 14 October 2020 —

- (1) the notice of motion given this day by Mr Davis in relation to the tabling of public health orders and directions and referring these documents to the Scrutiny of Acts and Regulations Committee for review;
- (2) Order of the Day for the resumption of debate on the Road Safety Amendment (Medicinal Cannabis) Bill 2019;
- (3) Order of the Day for the resumption of debate on the Education and Training Reform Amendment (School Employment) Bill 2020;
- (4) Notice of Motion No. 359 standing in the name of Mr Davis in relation to the disallowance in full of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;
- (5) Order of the Day No. 40, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business; and
- (6) Order of the Day No. 29, resumption of debate on the motion relating to establishing a joint select committee to inquire into international treaties.

Question — put and agreed to.

18 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Tuesday 13 October 2020 at 1.30 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon Jenny Mikakos.

19 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

- 20 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —

The President reported that at the Joint Sitting, Ms Sheena Watt was chosen to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos.

- 21 NEW MEMBER — DECLARATION OF ALLEGIANCE** — Ms Sheena Watt, having been introduced, approached the Table and took and subscribed the affirmation required by law.

- 22 MEMBERS' STATEMENTS** — Further 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.

- 23 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 275, be postponed until later this day.

- 24 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT 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 Davis and Ms Symes were circulated.

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.]

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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, 16

Mr Atkinson; Ms Bath; Ms Crozier; 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; 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 10.00 p.m. pursuant to Standing Orders —

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

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

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

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —

WEDNESDAY, 14 OCTOBER 2020

Ms Symes moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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; 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; Ms Bath; 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)

Question agreed to.

Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

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

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

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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, 16

Mr Atkinson; Ms Bath; Ms Crozier; 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; Mr Rich-Phillips.

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

Question agreed to.

Bill read a third time.

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

25 ADJOURNMENT — Ms Tierney 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 2.24 a.m., adjourned until later this day.

ANDREW YOUNG
Clerk of the Legislative Council

No. 73 — Wednesday, 14 October 2020

- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Ms Stitt resigning from the Public Accounts and Estimates Committee, pursuant to section 21 of the Parliamentary Committees Act 2003, effective from 13 October 2020.
- 3 **JOINT COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Ms Taylor be a member of the Public Accounts and Estimates Committee;
 - (2) Ms Terpstra be a member of the Scrutiny of Acts and Regulations Committee; and
 - (3) Ms Tierney be a member of the Dispute Resolution Committee.

Mr Davis moved, as an amendment, That in paragraph (1) the words “Ms Taylor” be **omitted** with a view of **inserting** in their place “Mr Grimley”.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 16

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; 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, 18

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; 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, 20

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; 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

Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; 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.

- 4 **PETITION — TRAFFIC NOISE ON THE GEELONG RING ROAD, FYANSFORD** — Mrs McArthur presented a Petition bearing 59 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to release all Acoustic Reports completed for The Heights estate in Fyansford, conduct a new Acoustic Report as a matter of priority and provide all landowners at The Heights estate a copy of the Report, and urgently assess the required noise walls and relevant infrastructure on the Geelong Ring Road above The Heights estate and conduct an inquiry into regulated noise levels along the entire Geelong Ring Road bypass.

Ordered to lie on the Table.

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

Auditor-General's Office — Report, 2019-20.

Auditor-General's Reports on —

Follow up of Managing the Level Crossing Removal Program, October 2020 (*Ordered to be published*).

Reducing Bushfire Risks, October 2020 (*Ordered to be published*).

Essential Services Commission Act 2001 — Port of Melbourne – Market Rent Inquiry 2020, Public Report.

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. 95.

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 COVID-19 PUBLIC HEALTH ORDERS AND DIRECTIONS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE REFERENCE AND PRODUCTION OF DOCUMENTS — Mr Davis moved, That this House —

- (1) notes that orders and directions pursuant to the *Public Health and Wellbeing Act 2008* have been published in the Government Gazette during the COVID-19 pandemic;
- (2) notes that these orders and directions are legislative instruments under the *Subordinate Legislation Act 1994*;
- (3) further notes these instruments impact the freedoms, rights and liberties of Victorians and should be openly and transparently assessed to ensure proportionality and legitimate restrictions on the rights and freedoms of Victorians are minimised;
- (4) requires the Leader of the Government to lodge with the Clerk every public health order or direction related to COVID-19 published in the Government Gazette pursuant to the *Public Health and Wellbeing Act 2008* currently in force within 48 hours of the House agreeing to this resolution and requires these and all future orders and directions related to COVID-19 made under the *Public Health and Wellbeing Act 2008* published in the Government Gazette to be tabled by the Clerk, and if —
 - (a) the House is sitting, the Clerk will cause such documents to be laid on the Table at the earliest opportunity;
 - (b) the House is not sitting, as soon as practicable after such documents are received or have been published in the Government Gazette, the Clerk will notify each member of the House of the publication of the documents in the Tabled Documents Database, and cause such documents to be laid on the Table on the next sitting day of the Council;
- (5) requires the Clerk to ensure that the Minutes of the Proceedings and the Tabled Documents Database reflect the tabling of each order and direction;
- (6) requires the Clerk to transmit a copy of each order and direction when it is published in the Tabled Documents Database to the Scrutiny of Acts and Regulations Committee (SARC);
- (7) pursuant to section 33(1)(a) of the *Parliamentary Committees Act 2003*, requires the SARC to inquire into and examine —
 - (a) the appropriateness and proportionality of distance restrictions introduced in recent orders and directions made under the *Public Health and Wellbeing Act 2008*, commonly known as the five-kilometre radius rule and rules mandating masks and the circumstances in which these are proportionate and reasonably necessary to achieve public health objectives and minimise legitimate restrictions on the rights and freedoms of Victorians and report on this within three weeks;
 - (b) every public health order or direction made under the *Public Health and Wellbeing Act 2008* transmitted to the Committee by the Clerk to —
 - (i) assess and report on the impact of these legislative instruments on the rights and liberties of Victorians and regarding any matters with respect to the *Charter of*

Human Rights and Responsibilities Act 2006 and the Subordinate Legislation Act 1994;

- (ii) as a default, seek public submissions and undertake hearings;
 - (iii) other than in exceptional circumstances, report within two weeks of an order or direction being transmitted to the Committee by the Clerk, including recommendations as to whether or not the legislative instrument should be disallowed in whole or in part;
- (8) requires, pursuant to Standing Order 11.01, within 48 hours of each public health order or direction being tabled in the House by the Clerk, the Leader of the Government to table in the House the briefings supporting the order or direction made by the Chief Health Officer or their delegate and the briefing provided to the Minister for Health justifying the order or direction pursuant to the objectives of the *Public Health and Wellbeing Act 2008*.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Dr Bach; Ms Bath; Ms Crozier; 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; Mr Rich-Phillips.

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

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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.

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.

* * * * *

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

- **Workplace safety – hotel quarantine** — substantive question asked by Mr O'Donohue — response from Ms Stitt due Thursday, 15 October 2020.
- **COVID-19 serological characteristics** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Friday, 16 October 2020.
- **The Orange Door family violence services** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Friday, 16 October 2020.
- **Stamp duty and absentee owner surcharges** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 16 October 2020.

- 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 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT 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.

- 11 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until the next day of meeting.
- 13 ENVIRONMENT PROTECTION (MANAGEMENT OF TUNNEL BORING MACHINE SPOIL) REGULATIONS 2020 — DISALLOWANCE** — Mr Davis moved, That this House, pursuant to section 71(4) of the *Environment Protection Act 1970* and section 23 of the *Subordinate Legislation Act 1994*, disallows, in full, the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 which were gazetted on 30 June 2020 and tabled in this House on 4 August 2020.
- Debate ensued.
- Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Meddick.*
- 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 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 6.17 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 74 — Thursday, 15 October 2020

- 1** The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill in accordance with Joint Standing Order 6(1):
- In clause 16, page 12, line 31, as inserted by the Council's amendment agreed to by the Assembly, which inserts new subsection (1A)(f) into the *Public Health and Wellbeing Act 2008*, inserting a double quotation mark and a third full stop at the end of the new subsection, as follows:
- (f) a health service provider.”.”.
- 3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Auditor-General's Report on —
- Accessibility of Tram Services, October 2020 (*Ordered to be published*).
- Early Years Management in Victorian Sessional Kindergartens, October 2020 (*Ordered to be published*).
- Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster – Coronavirus (COVID-19) pandemic – Report 3, pursuant to section 23(7) of the Act.
- Financial Management Act 1994 — 2019-20 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).
- Fire Rescue Victoria Act 1958 — Year One Fire Services Reform Implementation Plan, October 2020.
- National Parks Act 1975 — Report on the working of the Act, 2019-20.
- National Parks Advisory Council — Report, 2019-20.
- Public Record Office Victoria — Report, 2019-20.
- 4 BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Friday, 16 October 2020 —
- (1) Notice of Motion No. 350 standing in the name of Dr Cumming in relation to establishing a Select Committee to inquire into the strategic direction for complementary therapies;

- (2) Notice of Motion No. 357 standing in the name of Dr Cumming in relation to the use of revenue collected from gambling activities; and
- (3) Order of the Day No. 36, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business.

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 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 275, be postponed until later this day.

7 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned until later this day.

8 50TH ANNIVERSARY OF THE WEST GATE BRIDGE COLLAPSE — Ms Stitt moved, by leave, That this House —

- (1) notes that Thursday, 15 October 2020 marks the 50th anniversary of Victoria's most profound industrial disaster, the West Gate Bridge collapse, which occurred at 11.50 a.m., on Thursday, 15 October 1970;

- (2) expresses —

- (a) deep grief for the 35 workers who lost their lives, and the 18 who were seriously injured;
- (b) gratitude to the frontline emergency workers who attended the scene;
- (c) appreciation for the heroic acts of workers and others who survived and assisted in the rescue efforts;
- (d) sincere condolences to the families and friends of those who were killed or injured in this tragic accident and stands with those who survived and continue to fight for the rights of workers to a health and safe workplace;

- (3) acknowledges that the West Gate Bridge collapse was a turning point for workplace safety in the state of Victoria;

- (4) recognises —

- (a) the ongoing efforts of many who survived that day in campaigning for ground-breaking occupational health and safety laws;
- (b) our occupational health and safety laws play a critical part in ensuring that these large-scale industrial tragedies do not happen again; and
- (c) we must recommit to doing all that we can to ensure that Victorian workers come home safe at the end of each day.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

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:

- **Bus licensing – VicRoads** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 19 October 2020.
- **Right to protest** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Monday, 19 October 2020.
- **COVID-19 – impact on spa industry** — supplementary question asked by Mr Atkinson — response from Ms Pulford due Friday, 16 October 2020.
- **Firearms licenses – approval timeframes** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 19 October 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 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

12 POLICE AND EMERGENCY LEGISLATION AMENDMENT 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 were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 6

Mr Atkinson; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty; Dr Ratnam.

(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 ordered to be committed to a Committee of the whole on the next day of meeting.

13 CLADDING SAFETY VICTORIA BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to establish a body corporate called Cladding Safety Victoria for the purposes of administering a cladding rectification program and to make related amendments to the Building Act 1993 and the Public Administration Act 2004 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 ordered to be read a second time on the next day of meeting.

14 CONSUMER LEGISLATION AMENDMENT BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to make amendments to the Residential Tenancies Amendment Act 2018 and the Retirement Villages Act 1986 and for other purposes* and requesting the agreement of the Council.

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

15 WORKER SCREENING BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the screening of persons working with or caring for children or providing supports or services to persons with a disability under the National Disability Insurance Scheme, to repeal the Working with Children Act 2005 and for other purposes* and requesting the agreement of the Council.

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

16 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 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 75 — Friday, 16 October 2020

- 1 The President took the Chair at 9.36 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:
 - Forests (Wood Pulp Agreement) Act 1996 — Amendment to the Agreement in the Schedule to the Forests (Wood Pulp Agreement) Act 1996, under section 7 of the Act.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 110.
- 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 27 October 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, 26 October 2020, and the President will notify Members of any changes to the next sitting date.
Question — put and agreed to.
- 4 **SELECT COMMITTEE — COMPLEMENTARY THERAPIES** — Dr Cumming moved, That —
 - (1) this House —
 - (a) recognises the increasing financial burden on the Victorian health system by preventable illnesses and the COVID-19 pandemic;
 - (b) notes complementary therapies —
 - (i) demonstrate effectiveness in areas of burden to the health system;
 - (ii) is a sector worth \$9 billion and supports domestic jobs, farming, manufacturing, research and exports;
 - (iii) are often cost effective and less invasive;
 - (c) further notes that the Government has a role in —
 - (i) acknowledging and meeting user demands with safe and reliable choices;
 - (ii) ensuring key health policies address complementary therapies;
 - (2) a Select Committee of seven Members be appointed to inquire into, consider and report, by 1 June 2021, on the strategic direction for complementary therapies, including but not limited to —
 - (a) the accreditation, registration and regulation of complementary therapy practitioners;
 - (b) the availability of complementary therapies and treatment in hospital settings;
 - (c) opportunities to improve public awareness regarding access, effectiveness and safety;
 - (d) the treatment and access to education pathways and research;
 - (e) any other related matters;
 - (3) the Committee shall consider previous reviews and inquiries into complementary therapies in their investigation;
 - (4) the Committee consist of three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader

of the Opposition in the Council, and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;

- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
- (6) the Chair of the Committee will be a Member of a minority group or an independent Member and the Deputy Chair will be a Member of the Government;
- (7) 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; and
- (8) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; 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 Ondarchie; 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; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

The Ayes and Noes being equal, the question was negatived.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 357, be postponed until the next day of meeting.
- 6 IMPACT OF COVID-19 RESTRICTIONS ON SMALL BUSINESSES** — Debate resumed on the question, That this House —
 - (1) notes the very significant impact of the Government's enhanced and broad-brush Stage 4 lockdown on businesses, especially small businesses, across many sectors; and
 - (2) calls on the Government to meet with relevant peak bodies and other representatives of individual business sectors, to work through the early evidence-based lifting of complete closures, sector by sector, where appropriate COVID-19 management plans are in place and it is safe to do so.

Business having been interrupted at the conclusion of 2 hours of General Business pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Finn.

- 7 CLADDING SAFETY VICTORIA BILL 2020** — Ms Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Ms Stitt, the second reading speech was incorporated into Hansard.
Ms Stitt moved, That the Bill be now read a second time.
On the motion of Mr Davis, the debate was adjourned for one week.

- 8 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT 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 Davis were circulated.

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.
CHIEF HEALTH OFFICER EVIDENCE TO COVID-19 HOTEL QUARANTINE INQUIRY — Ms Symes having given answers to a question without notice and supplementary question relating to the Chief Health Officer's evidence to the COVID-19 Hotel Quarantine Inquiry —

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.

* * * * *

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 workplace safety** — substantive question asked by Mr Davis — response from Ms Stitt due Monday, 19 October 2020.
- **Illegal fur sales** — substantive and supplementary questions asked by Mr Meddick — response from Mr Leane due Tuesday, 20 October 2020.
- **Veterans housing during pandemic** — substantive question asked by Ms Patten — response from Mr Leane due Monday, 19 October 2020.
- **Malmsbury Youth Justice Centre – use of internet by detainees** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Tuesday, 20 October 2020.
- **Impact of lockdown on Victorian community and economy** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Tuesday, 20 October 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 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020 — Debate continued 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.

12 POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020 — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 4.00 p.m. pursuant to Sessional Orders —

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

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

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

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Pulford 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

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 6

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

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

Question agreed to.

Bill read a third time.

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

13 ADJOURNMENT — Ms Pulford 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 6.04 p.m., adjourned until Tuesday, 27 October 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 72, 73, 74 and 75

COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020

Committed Tuesday, 13 October 2020

Amendments circulated: Mr Davis (p. 568) and Ms Symes (pp. 568-9)

Clauses 1 to 14 — put and agreed to.

Clause 15 — Question — That clause 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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, 16

Mr Atkinson; Ms Bath; Ms Crozier; 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; Mr Rich-Phillips.

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

Question agreed to.

Clause 16 — Ms Symes moved Amendment Nos. 1 to 5 — put and agreed to.

Question — That clause 16, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barton; Mr Bourman; Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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, 16

Mr Atkinson; Ms Bath; Ms Crozier; 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; Mr Rich-Phillips.

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

Question agreed to.

New Clause — Mr Davis moved Amendment No. 1.

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

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; 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; Ms Patten; 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 Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; 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.

Clauses 17 to 46 — put and agreed to.

Bill reported with amendments.

* * * * *

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020

Committed Friday, 16 October 2020

Amendments circulated: Mr Davis (pp. 569-70)

Clauses 1 to 19 — put and agreed to.

Clause 20 — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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 Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

Question negated.

Mr Davis moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; 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; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

Question negated.

Clause 20 — put and agreed to.

Clauses 21 to 28 — put and agreed to.

Bill reported without amendment.

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POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020

Committed Friday, 16 October 2020

Amendments circulated: Mr O'Donohue (p. 570)

Clause 1 — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Meddick; 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, 25

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; 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.

Mr O'Donohue moved Amendment No. 2.

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; 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 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; Ms Garrett; 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 negatived.

Clause 1 — put and agreed to.

Clauses 2 to 20 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020

Amendments circulated by Mr Davis

1. Insert the following New Clause to follow clause 16—

'16A New section 200AA inserted

After section 200 of the **Public Health and Wellbeing Act 2008** insert—

"200AA Revocation of provisions of particular direction

Despite section 200, clause 5(1AB) of Part 2 of the *Stay at Home Directions (Restricted Areas) (No 18)* made on 11 October 2020 under section 200(1)(b) and (d) is, by force of this section, revoked on the commencement of this section."

2. Insert the following New Clause to follow clause 16—

'16B New section 200AB inserted

Before section 201 of the **Public Health and Wellbeing Act 2008** insert—

"200AB Certain provisions of instruments are of no effect and are not enforceable

Despite section 200, a provision of any direction made or purportedly made under section 200(1) that provides that a person must not travel further than a specified distance from any premises, whether or not subject to exceptions, is void and of no effect, and a contravention of such a provision is not an offence under section 203(1)."

Amendments circulated by Ms Symes

1. Clause 16, page 12, after line 12, insert —

"249A Definitions

- (1) For the purposes of this Division—

protective services officer has the same meaning as in the **Victoria Police Act 2013**;

Worksafe inspector means an inspector within the meaning of the **Occupational Health and Safety Act 2004**;

health service provider has the same meaning as in the Health Practitioner Regulation National Law.

- (2) For the purposes of this Division, an authorised officer is **appointed under the temporary provisions** if the authorised officer is appointed under section 30(1A), as notionally inserted by section 250."

2. Clause 16, page 12, lines 24 and 25, omit ", experience or otherwise" and insert "or experience".

3. Clause 16, page 12, lines 26 and 27, omit all words and expressions on these lines and insert—

"(b) a police officer;

(c) a protective services officer;

(d) a Worksafe inspector;

(e) an employee in the public sector of a State other than Victoria, or a territory;

(f) a health service provider."

4. Clause 16, page 12, after line 27, insert—

"250A Limitation on the powers that may be conferred on authorised officers appointed under the temporary provisions

- (1) Despite section 189, the Chief Health Officer may only authorise an authorised officer appointed under the temporary provisions to exercise the following public health risk powers—
 - (a) if the authorised officer is a police officer or a protective services officer, the public health risk powers referred to in sections 190(1)(c), (d), (e) and (f);
 - (b) if the authorised officer is a Worksafe inspector, the public health risk powers referred to in sections 190(1)(c), (d), (e), (f), (g), (h), (i), (j) and (k);
 - (c) if the authorised officer is a person appointed under section 30(1A)(a), the public health risk powers referred to in sections 190(1)(d) and (e);
 - (d) if the authorised officer is a person appointed under section 30(1A)(e) or (f), the public health risk powers specified in the authorised officer's instrument of appointment.
- (2) Despite section 199, the Chief Health Officer must not authorise an authorised officer who is appointed under the temporary provisions to exercise any of the emergency powers.

Note

The emergency powers include powers to detain persons or groups of persons.

- (3) This section does not limit the restrictions to which the appointment of an authorised officer may otherwise be subject under this Act."
5. Clause 16, page 13, lines 1 to 35, page 14, lines 1 to 35 and page 15, lines 1 to 16, omit all words and expressions on these lines.

2. PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020**Amendments circulated by Mr Davis**

1. Clause 20, page 18, after line 17 insert—

"59A Tabling of certain transferred property details

The Minister must cause the following information in relation to all land to which section 48 applies to be laid before each House of the Parliament within 6 sitting days of that House after the commencement day—

- (a) a description of the land, including the land's address or location;
- (b) the value of the land as assessed in the last valuation of that land under the **Valuation of Land Act 1960**;
- (c) the value of the land on the commencement day;
- (d) the value of the change to the net asset base of the declared Department for the purposes of section 29 of the **Financial Management Act 1994** as a result of the transfer of the relevant land under section 48."

2. Clause 20, page 24, after line 10 insert—

"72A Tabling of specified transport projects details

The Minister must cause the following information in relation to each specified transport project to be laid before each House of the Parliament within 6 sitting days of that House after the commencement day—

- (a) the total estimated investment of the project;
- (b) the total actual spend for the project immediately before the commencement day;
- (c) the total funding over the forward estimates of the project for the purposes of section 40 of the **Financial Management Act 1994**, for the 4 consecutive financial years starting with the financial year 2020/2021;
- (d) the actual or estimated changes to the net asset base of the Department of Transport and the Head, Transport for Victoria for the purposes of section 29 of the **Financial Management Act 1994** as a result of the transfer under section 61."

3. POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020

Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, after line 5 insert—
"(jia) to require a minimum service level of protective services officers on certain railway stations between certain times; and".
2. Clause 1, page 2, lines 21 and 22, omit "Fire Rescue Victoria fire district map references and".
3. Insert the following New Clause to follow clause 5—

'5A New section 37A inserted

After section 37 of the **Victoria Police Act 2013** insert—

"37A Deployment at railway stations

The Chief Commissioner must ensure that at least 2 protective services officers are allocated or deployed to or at each of the following railway stations from 6 p.m. until the last train each day—

- (a) every railway station in the Melbourne metropolitan area;
- (b) Ballarat railway station;
- (c) Bendigo railway station;
- (d) Geelong railway station;
- (e) Traralgon railway station."

4. Clause 18, omit this clause.