



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 76, 77, 78 and 79

No. 76 — Tuesday, 27 October 2020

- 1 The President took the Chair at 11.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE RONALD ALEXANDER BEST** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 14 October 2020, of Mr Ronald Alexander Best and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for North Western Province from 1988 to 2002.

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

- 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, 29 October 2020, to commence at 10.00 a.m.

Question — put and agreed to.

- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - On 20 October 2020 —
 - COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020*
 - National Energy Legislation Amendment Act 2020*
 - On 27 October 2020 —
 - Police and Emergency Legislation Amendment Act 2020*
 - Project Development and Construction Management Amendment Act 2020.*

5 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:

- **Western Highway – Djab Wurrung cultural heritage** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Leane due Thursday, 29 October 2020.
- **WorkSafe inspectors appointed as authorised officers** — substantive question asked by Mr O'Donohue — response from Ms Stitt due Wednesday, 28 October 2020.
- **Wildlife slaughtering method** — substantive question asked by Mr Meddick — response from Mr Leane due Thursday, 29 October 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 PETITIONS —

HOME-BASED AND MOBILE DOG GROOMERS DURING COVID-19 — Mr Atkinson presented a Petition bearing 723 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, the Hon Daniel Andrews MP, and the Department of Health and Human Services to review COVID-19 restrictions to allow home-based groomers and mobile dog groomers to re-open during the pandemic.

Ordered to lie on the Table.

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REMOVE THE COVID-19 CURFEW — Dr Cumming presented a Petition bearing 331 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Health and the Chief Health Officer to remove the COVID-19 curfew restriction unless clear evidence shows that a curfew is necessary.

Ordered to lie on the Table.

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

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COVID-19 SAFE PLAN FOR RE-OPENING MARTIAL ARTS CLUBS — Mr Limbrick presented a Petition bearing 122 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 Victorians to attend non-contact martial arts and taekwondo clubs in a safe and secure manner.

Ordered to lie on the Table.

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RE-OPEN THE HOSPITALITY INDUSTRY SAFELY DURING THE CURRENT STATE OF EMERGENCY — Mr Quilty presented a Petition bearing 3,829 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allow the hospitality sector to re-open safely with previous stage two restrictions being the maximum imposed.

Ordered to lie on the Table.

8 HOUSING AMENDMENT (CREATING JOBS AND HOMES) BILL 2020 — Dr Ratnam introduced *A Bill for an Act to amend the Housing Act 1983 to set targets for public housing construction, mandate energy efficiency standards in new public housing, and prevent the disposal of public housing land and public land that is suitable for public housing, and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

9 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 10 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2019 —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the Annual Review 2019 on Regulations and Legislative Instruments (including Appendices) 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.

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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:

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

Banyule Planning Scheme — Amendment C120.

Boroondara and Manningham Planning Schemes — Amendment GC164.

Brimbank Planning Scheme — Amendment C223.

Glen Eira Planning Scheme — Amendments C196 and C202.

Maroondah Planning Scheme — Amendment C141.

Moonee Valley Planning Scheme — Amendment C213.

Mornington Peninsula Planning Scheme — Amendment C261.

Port Phillip Planning Scheme — Amendments C166 and C174.

Stonnington Planning Scheme — Amendment C307.

Victoria Planning Provisions — Amendment VC193.

Whitehorse Planning Scheme — Amendment C227.

Yarra Planning Scheme — Amendments C278, C282 and C287.

Statutory Rules under the following Acts of Parliament —

Planning and Environment Act 1987 — No. 111.

Subordinate Legislation Act 1994 — No. 110.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 101, 112, 113 and 115 to 117.

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

(1) Wednesday, 27 October 2020 —

(a) Notice of Motion No. 379, in an amended form, standing in the name of Mr Meddick in relation to pound and shelter reform;

(b) the notice of motion given this day by Ms Crozier referring a matter to the Legal and Social Issues Committee relating to COVID-19 contact tracing;

(c) Order of the Day No. 38, resumption of debate on the motion relating to disallowance of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;

(d) the notice of motion given this day by Mr Davis in relation to the Suburban Rail Loop business case;

(e) Notice of Motion No. 361 standing in the name of Mr Hayes referring a matter to the Environment and Planning Committee relating to the adequacy of the Victorian planning framework in relation to planning and heritage protection;

(2) Friday, 30 October 2020 —

(a) the notice of motion given this day by Mr Davis in relation to the production of documents relating to public health and other orders;

- (b) the notice of motion given this day by Mr Davis in relation to the Suburban Rail Loop business case; and
- (c) the notice of motion given this day by Mr Davis in relation to evidence given by the Chief Health Officer to the COVID-19 Hotel Quarantine Inquiry.

Question — put and agreed to.

11 TIME LIMITS SESSIONAL ORDER — GENERAL BUSINESS — FRIDAY SITTINGS —

Mr Davis moved, by leave, That Sessional Order 8 be suspended in relation to Friday sittings for the remainder of this year to allow the total time allocated to each General Business item to be 60 minutes.

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 CLADDING SAFETY VICTORIA BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

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

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

14 EDUCATION AND TRAINING REFORM AMENDMENT (REGULATION OF STUDENT ACCOMMODATION) 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.

15 ADJOURNMENT — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.49 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 77 — Wednesday, 28 October 2020

1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — RE-OPEN DANCE STUDIOS AND DANCE SCHOOLS DURING COVID-19 —** Dr Bach presented a Petition bearing 948 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, the Hon Daniel Andrews MP, and the Department of Health and Human Services to review COVID-19 restrictions and the risk of operating dance studios and dance schools, reclassify dance studios and dance schools rightly as 'creative studios', allow dance studios and dance schools to re-open immediately in regional Victoria and as part of the third step of the roadmap for metro Melbourne, and finally allow all dance studios and dance schools to have immediate access to teach from their studios, operating under endorsed COVID-safe plans.

Ordered to lie on the Table.

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

3 PAPERS —

PARLIAMENTARY DEPARTMENTS — Ms Lovell moved, by leave, That there be laid before this House a copy of the —

(1) Department of the Legislative Council Report, 2019-20; and

(2) Department of Parliamentary Services Report, 2019-20.

Question — put and agreed to.

The Reports were presented by Ms Lovell and ordered to lie on the Table.

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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:

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

Alpine Resorts Planning Scheme — Amendment C29.

Banyule Planning Scheme — Amendment C159.

Nillumbik Planning Scheme — Amendment C117 (Part 2).

Port Phillip Planning Scheme — Amendment C192.

Wellington Planning Scheme — Amendment C102.

Statutory Rules under the following Acts of Parliament —

COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 118.

Estate Agents Act 1980 — No. 114.

Local Government Act 1989 — No. 115.

Local Government Act 2020 — Nos. 116 and 117.

Magistrates' Court Act 1989 — Nos. 112 and 113.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 114.

4 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.

5 POUND AND SHELTER REFORM — Mr Meddick moved, That this House —

(1) notes community concern about the killing of healthy or treatable companion animals in Victorian pounds and shelters;

(2) calls on the Government to —

(a) introduce mandatory reporting of pound and shelter kill rates;

(b) implement the requirement for pounds and shelters to work with approved and regulated rescue groups before ending an animal's life;

(c) introduce more subsidised and free desexing initiatives for companion animals;

(d) consider the introduction of a trap, neuter, return (TNR) program, noting the positive long-term impacts these programs have on community cat populations; and

(e) commit to implementing immediate reuniting of missing companion animals through vet clinics, to stop the unnecessary process of going through the pound system.

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, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; 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, 3

Mr Bourman; Mr Limbrick; Mr Quilty.

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

Question agreed to.

- 6 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — COVID-19 CONTACT TRACING** — Ms Crozier moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government's COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria's multicultural communities, and provide —

- (1) an initial report to the House no later than 30 November 2020; and
- (2) further reports to the House, following the initial report, as required until 31 December 2021.

Debate ensued.

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

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

AGRICULTURAL SEASONAL WORKERS — Ms Symes having given answers to a question without notice and supplementary question relating to agricultural seasonal workers —

On the motion of Ms Lovell, 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:

- **I Cook Foods closure** — substantive and supplementary questions asked by Ms Crozier — response from Ms Symes due Thursday, 29 October 2020.
- **Taxi and hire car industry** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 30 October 2020.
- **Events sector requirements post COVID-19** — substantive question asked by Mr Davis — response from Ms Pulford due Friday, 30 October 2020.
- **Business case for standardised rail gauge project** — substantive and supplementary questions asked by Mr Grimley — response from Ms Pulford due Friday, 30 October 2020.
- **Workplace COVID-19 safety inspections – public sector** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Stitt due Thursday, 29 October 2020 for the substantive question and Friday, 30 October 2020 for the supplementary question.
- **Victorian Commission for Gambling and Liquor Regulation – regulation of Crown Casino** — substantive and supplementary questions asked by Mr Hayes — response from Ms Tierney due Friday, 30 October 2020.
- **Small business consultations during pandemic** — substantive question asked by Mr Limbrick — response from Ms Pulford due Thursday, 29 October 2020.

- 8 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.

- 9 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — COVID-19 CONTACT TRACING** — Debate continued on the question, That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government's COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria's multicultural communities, and provide —

- (1) an initial report to the House no later than 30 November 2020; and
- (2) further reports to the House, following the initial report, as required until 31 December 2021.

Ms Taylor moved, as an amendment, That all the words and expressions after “and provide” be **omitted** with a view of **inserting** the following in their place:

“a report to the House no later than 14 December 2020.”.

Debate ensued.

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

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

The Council divided — The President in the Chair.

AYES, 22

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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)

NOES, 15

Mr Atkinson; 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 Quilty; Mr Rich-Phillips.

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

Question agreed to.

Question — That the motion moved by Ms Crozier, amended as follows, be agreed to — That this House requires the Legal and Social Issues Committee to inquire into, consider and monitor the capacity and fitness for purpose of the Victorian Government’s COVID-19 contact tracing system and testing regime, and in doing so consult with businesses, including small business representatives, the community sector and Victoria’s multicultural communities, and provide a report to the House no later than 14 December 2020 — put and agreed to.

10 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, General Business, No.1, and Notice of Motion, General Business, No. 399, be postponed until later this day.

11 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — VICTORIAN PLANNING FRAMEWORK — Mr Hayes moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, by June 2022, on the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework in relation to planning and heritage protection, and in particular the Committee is to examine —

- (1) the high cost of housing, including but not limited to —
 - (a) provision of social housing;
 - (b) access for first home buyers;
 - (c) the cost of rental accommodation;
 - (d) population policy, state and local;
 - (e) factors encouraging housing as an investment vehicle;
 - (f) mandatory affordable housing in new housing developments;
- (2) environmental sustainability and vegetation protection;
- (3) delivering certainty and fairness in planning decisions for communities, including but not limited to —
 - (a) mandatory height limits and minimum apartment sizes;
 - (b) protecting Green Wedges and the urban growth boundary;
 - (c) community concerns about VCAT appeal processes;
 - (d) protecting third party appeal rights;
 - (e) the role of Ministerial call-ins;
- (4) protecting heritage in Victoria, including but not limited to —
 - (a) the adequacy of current criteria and processes for heritage protection;
 - (b) possible federal involvement in heritage protection;
 - (c) separating heritage protection from the planning administration;
 - (d) establishing a heritage tribunal to hear heritage appeals;

- (e) the appointment of independent local and state heritage advisers;
- (f) the role of Councils in heritage protection;
- (g) penalties for illegal demolitions and tree removals;
- (5) ensuring residential zones are delivering the type of housing that communities want; and
- (6) any other matter the Committee considers relevant.

Debate ensued.

Question — put and agreed to.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.
- 13 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 14 INAUGURAL SPEECH — MS SHEENA WATT** — Pursuant to Standing Order 5.08, Ms Sheena Watt made her inaugural speech.
- 15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.
- And then the Council, at 6.36 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 78 — Thursday, 29 October 2020

- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

2 PAPERS —

PARLIAMENTARY BUDGET OFFICE REPORT, 2019-20 — Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, Ms Taylor, on behalf of the Public Accounts and Estimates Committee, presented the Parliamentary Budget Office Report, 2019-20.

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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:

AMES Australia — Report, 2019-20.

Australian Centre for the Moving Image (ACMI) — Report, 2019-20.

City West Water Corporation — Report, 2019-20.

Council of Trustees of the National Gallery of Victoria (NGV) — Report, 2019-20.

Development Victoria — Report, 2019-20.

Docklands Studios Melbourne Pty Ltd — Report, 2019-20.

Eastern Health — Report, 2019-20.

Education and Training Department — Report, 2019-20.

Emergency Services Superannuation Scheme (ESSSuper) — Report, 2019-20.

Environment, Land, Water and Planning Department — Report, 2019-20.

Film Victoria — Report, 2019-20.

Goulburn-Murray Rural Water Corporation — Report, 2019-20.

Health and Human Services Department — Report, 2019-20.

Independent Broad-based Anti-corruption Commission — Report, 2019-20 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 102 (*Gazette No. S542, 26 October 2020*).

Jobs, Precincts and Regions Department — Report, 2019-20.

Justice and Community Safety Department — Report, 2019-20.

Library Board of Victoria — Report, 2019-20.

Melbourne Health — Report, 2019-20.

Melbourne Port Lessor Pty Ltd — Report, 2019-20.
 Melbourne Recital Centre — Report, 2019-20.
 Melbourne Water Corporation — Report, 2019-20.
 Monash Health — Report, 2019-20.
 Museums Board of Victoria — Report, 2019-20.
 Office of the Victorian Information Commissioner (OVIC) — Report, 2019-20.
 Ombudsman — Investigation into complaints about assaults of five children living in Child Protection residential care units, October 2020 (*Ordered to be published*).
 Police Registration and Services Board — Report, 2019-20.
 Portable Long Service Authority — Report, 2019-20.
 Port of Hastings Development Authority — Report, 2019-20.
 Premier and Cabinet Department — Report, 2019-20.
 Prevention of Family Violence Act 2018 — Respect Victoria Report, 2019-20.
 Queen Victoria Women's Centre — Minister's report of receipt of 2019-20 report.
 Racing Integrity Commissioner — Report, 2019-20.
 Regional Development Victoria — Report, 2019-20.
 Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — Progress Report, 2019-20, under section 8 of the Act.
 Road Safety Camera Commissioner — Report, 2019-20.
 Rolling Stock Holdings (Victoria) Pty Limited — Report, 2019-20.
 Rolling Stock (Victoria-VL) Pty Limited — Report, 2019-20.
 Rolling Stock (VL-1) Pty Limited — Report, 2019-20.
 Rolling Stock (VL-2) Pty Limited — Report, 2019-20.
 Rolling Stock (VL-3) Pty Limited — Report, 2019-20.
 Royal Children's Hospital — Report, 2019-20.
 Shrine of Remembrance Trustees — Report, 2019-20.
 South East Water Corporation — Report, 2019-20.
 Transport Accident Commission (TAC) — Report, 2019-20.
 Transport Department — Report, 2019-20.
 Treasury and Finance Department — Report, 2019-20.
 Treasury Corporation of Victoria — Report, 2019-20.
 Victoria Police — Report, 2019-20.
 Victorian Arts Centre Trust — Report, 2019-20.
 Victorian Catchment Management Council — Report, 2019-20.
 Victorian Commission for Gambling and Liquor Regulation — Report, 2019-20.
 Victorian Curriculum and Assessment Authority — Report, 2019-20.
 Victorian Electoral Commission — Report, 2019-20.
 Victorian Inspectorate — Report, 2019-20.
 Victorian Managed Insurance Authority — Report, 2019-20.
 Victorian Multicultural Commission — Report, 2019-20.
 Victorian Public Sector Commission — Report, 2019-20.
 Victorian Racing Integrity Board — Report, 2019-20.
 Victorian Rail Track (VicTrack) — Report, 2019-20.
 Victorian Regional Channels Authority — Report, 2019-20.
 Victorian Registration and Qualifications Authority — Report, 2019-20.
 Victorian Small Business Commission — Report, 2019-20 (*Ordered to be published*).
 Victorian Veterans Council — Report, 2019-20.
 Victorian WorkCover Authority (WorkSafe) — Report, 2019-20.
 Yarra Valley Water Corporation — Report, 2019-20.

- 3 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Watt be a participating member of the Standing Committee on Legal and Social Issues. Question — put and agreed to.
- 4 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That the resolution of Tuesday, 27 October 2020 setting precedence for General Business tomorrow be rescinded and precedence be given to the following General Business on Friday, 30 October 2020 —

- (1) Order of the Day No. 37, resumption of debate on the motion relating to disallowance of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;
- (2) Notice of Motion No. 394 standing in the name of Mr Davis in relation to the production of documents relating to public health and other orders; and
- (3) Notice of Motion No. 399 standing in the name of Mr Davis in relation to the Suburban Rail Loop business case.

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. 403 to 409, be postponed until later this day.
- 7 CONSUMER LEGISLATION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

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.
- MURRAY BASIN RAIL PROJECT BUSINESS CASE** — Ms Symes having given answers to a question without notice and supplementary question relating to the Murray Basin Rail Project Business Case —

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

QUESTIONS — Questions without notice and Ministers' Statements continued.

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

- **Racing industry subsidies** — substantive question asked by Mr Meddick — response from Ms Pulford due Monday, 2 November 2020.
- **Security licence for Transclean** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 2 November 2020.
- **Unsupervised leave of convicted persons** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Monday, 2 November 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 CONSUMER LEGISLATION 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, 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.

- 11 WORKER SCREENING 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 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

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

- 13 EDUCATION AND TRAINING REFORM AMENDMENT BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

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

- 14 HUMAN TISSUE AMENDMENT BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Human Tissue Act 1982 to establish a process for authorising the carrying out of ante-mortem procedures for the purposes of donating human tissue after death 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.

- 15 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Judicial Proceedings Reports Act 1958 in relation to publication of identification of victims, to amend the Victims of Crime Assistance Act 1996 in relation to delegation of certain powers, to amend the Victims of Crime Commissioner Act 2015 in relation to the Committee under that Act, to amend the Defamation Act 2005 and the Limitation of Actions Act 1958 to include further model provisions, to amend the Corrections Act 1986 in relation to certain detention orders and prisoner mail, to amend the Forests Act 1958 to enable specified persons to carry out specified activities in the Fire Rescue Victoria fire district, to amend the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 in relation to pre-injury average weekly earnings and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), 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 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Marine Safety Act 2010 to provide for the establishment of the Better Boating Fund 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 Rich-Phillips), the debate was adjourned for one week.

17 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 6.54 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 79 — Friday, 30 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:

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

Darebin Planning Scheme — Amendments C193 and C194.

Frankston Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendments C373 and C399.

Moonee Valley Planning Scheme — Amendment C216.

Surf Coast Planning Scheme — Amendment C125.

A Statutory Rule under the Liquor Control Reform Act 1998 — No. 119.

3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 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, 9 November 2020, and the President will notify Members of any changes to the next sitting date.

Debate ensued.

Question — put and agreed to.

4 **ENVIRONMENT PROTECTION (MANAGEMENT OF TUNNEL BORING MACHINE SPOIL) REGULATIONS 2020 — DISALLOWANCE** — Debate resumed on the question, 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.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; 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, 21

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; 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.

5 PRODUCTION OF DOCUMENTS — PUBLIC HEALTH AND OTHER ORDERS — Mr Davis moved, That this House —

(1) notes —

(a) the resolution of the House of 2 September 2020 requiring the production of briefs relating to the public health and other orders made under the *Public Health and Wellbeing Act 2008* and other Acts;

(b) the resolution of the House of 16 September 2020 requiring the production of documents relating to the decision to impose a COVID-19 curfew;

(2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council —

(a) within one week of the House agreeing to this resolution, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health, relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*, that relate to the decision to allow public attendance at the Cox Plate and subsequent decisions to block attendance;

(b) within two weeks of the House agreeing to this resolution, all other briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all other briefs provided to or signed by the Minister for Health made since 20 August 2020 relating to the public health and other orders made since 20 August 2020 under the *Public Health and Wellbeing Act 2008*; and

(c) within 48 hours of an order being made during the period in which the State of Emergency remains in operation, all briefs provided to or signed by the Victorian Chief Health Officer, the Deputy Chief Health Officer, or delegate and all briefs provided to or signed by the Minister for Health relating to the public health and other orders made from the day the House agrees to this resolution under the *Public Health and Wellbeing Act 2008*.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to a temporary Sessional Order agreed to on 27 October 2020, had elapsed —

Question — put and agreed to.

6 SUBURBAN RAIL LOOP BUSINESS CASE — Mr Davis moved, That this House —

(1) notes that —

(a) the Suburban Rail Loop is the most expensive infrastructure project in the State's history;

(b) Infrastructure Victoria has not reported on the risks and cost-benefits of the proposed Suburban Rail Loop; and

(2) considers it prudent that the Andrews Labor Government completes a full, detailed business case for the proposed Suburban Rail Loop and makes this public.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at the conclusion of 2 hours of General Business, pursuant to Sessional Orders —

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

8 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

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

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

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

- **IBAC funding** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Wednesday, 4 November 2020.
- **Drug driving testing** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Wednesday, 4 November 2020.
- **Local Government funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Wednesday, 4 November 2020.
- **Mask wearing policy** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Wednesday, 4 November 2020.
- **IBAC funding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Wednesday, 4 November 2020.

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QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 14 as follows:

- **I Cook Foods closure** — supplementary question asked by Ms Crozier — response from Ms Symes due Monday, 2 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 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020 — Debate continued 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 JUSTICE LEGISLATION AMENDMENT (DRUG COURT 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 (*EOD29C*) were circulated. *Business having been interrupted at 4.00 p.m. pursuant to Sessional Orders* —

13 ADJOURNMENT — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.31 p.m., adjourned until Tuesday, 10 November 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 76, 77, 78 and 79

CLADDING SAFETY VICTORIA BILL 2020

Committed Tuesday, 27 October 2020

Clauses 1 to 59 — put and agreed to.

Bill reported without amendment.

