



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 47, 48 and 49

No. 47 — Tuesday, 4 February 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **SITTING OF THE COUNCIL** — Mr Jennings moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on —
 - (1) Wednesday, 5 February 2020, to commence **at 9.30 a.m.** and precedence to be given to the consideration of a motion moved, without leave or notice, by the Leader of the Government relating to the 2019-2020 Bushfires, followed by a one-hour suspension and —
 - (a) upon the resumption of the sitting the following order of business on that day will be —
 - (i) a statement by the President relating to the late Honourable Kenneth Wright, followed by a minute's silence;
 - (ii) a statement by the President relating to the White Island (NZ) volcano eruption, followed by a minute's silence;
 - (iii) Messages;
 - (iv) Formal Business;
 - (v) Members' Statements (up to 15 Members);
 - (vi) Questions;
 - (vii) Answers to Questions on Notice;
 - (viii) Constituency Questions;
 - (ix) General Business (maximum 2 hours);
 - (x) Statements on reports, papers and petitions (30 minutes);
 - (xi) Adjournment (up to 20 Members);
 - (b) notices of motion for General Business on Wednesday, 5 February 2020, be permitted to be moved, debated and put on the same day, without leave, provided any such notice is given to the Clerk by 4.00 p.m. on Tuesday, 4 February 2020, and the Clerk shall advise all Members of any notice submitted;
 - (c) in relation to any private members' bill introduced and read a first time on Wednesday, 5 February 2020, the second reading debate may be made an order of the day for later that day, without leave or notice;
 - (d) on Wednesday, 5 February 2020, a motion by leave, may be moved by a non-Government Member in relation to the precedence of General Business for the sitting week;
 - (2) Thursday, 6 February 2020, to commence **at 9.30 a.m.** and that the order of business on that day will be —

- (a) Messages;
- (b) Formal Business;
- (c) Members' Statements (up to 15 Members);
- (d) General Business (maximum 3 hours);
- (e) **At 12.00 noon** Questions;
- (f) Answers to Questions on Notice;
- (g) Constituency Questions;
- (h) General Business (continues);
- (i) Government Business;
- (j) **At 6.30 p.m.** Meal break (unless otherwise ordered by the House);
- (k) Government Business (continues); and
- (l) **At 10.00 p.m.** Adjournment (up to 20 Members).

Question — put and agreed to.

- 3 THE LATE HONOURABLE JOHN CAIN** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 23 December 2019, of the Honourable John Cain, 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 Assembly for the electoral district of Bundoora from 1976 to 1992, Minister responsible for Women's Affairs from 1982 to 1990, Minister for Federal Affairs in 1982, Attorney-General from 1982 to 1983, Minister for Ethnic Affairs in 1990 and Premier of Victoria from 1982 to 1990.

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

- 4 ADJOURNMENT** — Mr Jennings moved, by leave, That as a further mark of respect to the memory of the late Honourable John Cain, the House adjourn until tomorrow.

Question — put and agreed to.

And then the Council, at 2.20 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 48 — Wednesday, 5 February 2020

- 1** The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 2019-2020 BUSHFIRES** — Pursuant to a resolution of the House of 4 February 2020, Mr Jennings moved, That this House —
- (1) extends its condolences to the families and loved ones of the five people lost in Victoria's recent bushfires;
 - (2) further extends its condolences to the families and loved ones of the people recently lost in the New South Wales, South Australia and Australian Capital Territory fires;
 - (3) notes the far-reaching impact on communities, wildlife and the natural environment;
 - (4) praises the courage and commitment of all firefighters, emergency services personnel and first responders in protecting our state;
 - (5) shows its gratitude to the community members and organisations who have helped in this great time of need;
 - (6) thanks the national and international community for their support; and
 - (7) vows to stand with all individuals and communities who were, and continue to be, affected by the bushfires as they rebuild and recover.

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

Pursuant to the Resolution of the House of 4 February 2020, as a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 4.03 p.m. until 5.07 p.m.]

3 THE LATE HONOURABLE KENNETH IRVING MACKENZIE WRIGHT OAM —

The President advised the House of the death on 14 December 2019 of the Honourable Kenneth Irving Mackenzie Wright OAM, Member of the Legislative Council for the North Western Province from 1973 to 1992 and Deputy President from 1983 to 1985 and 1988 to 1992.

Members stood in their places as a mark of respect to the memory of the late Honourable Kenneth Wright.

4 WHITE ISLAND VOLCANO TRAGEDY — The President expressed the House's deepest sympathy and sincere condolences to the people of New Zealand and to the many families and friends who lost loved ones in the White Island volcano eruption.

Members stood in their places as a mark of respect to the memory of the victims.

5 ASSENT TO ACTS — The President read a Message from the Governor informing the Council that she had, on 3 December 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Consumer Legislation Amendment Act 2019

Land (Revocation of Reservations) Act 2019

Transport Legislation Amendment Act 2019

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019.

6 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL

2020 — Ms Patten introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005 to provide for the continuation of out of home care to young people up to 20 years of age.*

On the motion of Ms Patten, the Bill was read a first time and, pursuant to an Order of the Council of 4 February 2020, ordered to be read a second time later this day.

7 PAPERS —

ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE — Pursuant to Standing Order 23.29, Mr Elasmr presented a Report from the Economy and Infrastructure Committee on the Inquiry into the impact of animal rights activism on Victorian agriculture (including an Appendix, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

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

Debate ensued.

Question — put and agreed to.

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

Ordered to be published.

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OMBUDSMAN — WORKSAFE 2: FOLLOW-UP INVESTIGATION INTO THE MANAGEMENT OF COMPLEX WORKERS COMPENSATION CLAIMS — 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 WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims, December 2019.

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OMBUDSMAN — INVESTIGATION OF MATTERS REFERRED FROM THE LEGISLATIVE ASSEMBLY ON 8 AUGUST 2018 — 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 an investigation of matters referred from the Legislative Assembly on 8 August 2018, December 2019.

BUDGET UPDATE 2019-20 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Victorian Budget Update, 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:

Crown Land (Reserves) Act 1978 —

Minister's Determination of 19 November 2019 of their intention to grant a lease at Albert Park Reserve.

Minister's Order of 4 September 2019 giving approval to the granting of a licence at Lynch's Bridge Historical Precinct Reserve.

Minister's Order of 12 October 2019 giving approval to the granting of a lease at Old Springfield Cheese Factory Reserve.

Minister's Order of 9 November 2019 giving approval to the granting of a lease at Lynch's Bridge Historical Precinct Reserve.

Minister's Orders of 10 November 2019 giving approval to the granting of leases at — Market Street Melbourne Reserve.

Sandringham Beach Park Reserve.

Minister's Orders of 13 November 2019 giving approval to the granting of leases at — Cape Paterson Foreshore Reserve.

Grantville Foreshore Reserve.

Minister's Order of 19 November 2019 giving approval to the granting of lease at Elsternwick Park Reserve.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2019, pursuant to section 303 of the Act.

Emergency Management Act 1986 — Report to Parliament on the declaration of the State of Disaster, pursuant to section 23(7) of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 71/2019 and 112/2019 to 114/2019.

Major Events Act 2009 — Major Sporting Event Order of 23 December 2019 for the 2020 and 2021 Australian Open Tennis Tournaments, under section 22 of the Act.

Murray-Darling Basin Authority — Report, 2018-19.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contributions Levies — Report, 2018-19, pursuant to section 46GZJ of the Act.

Notices of approval of the following amendments to planning schemes —

Alpine, Alpine Resorts, Benalla, Colac Otway, Corangamite, Indigo, Mansfield, Moira, Moyne, Southern Grampians, Strathbogie, Towong, Wangaratta and Warrnambool Planning Schemes — GC138.

Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes — GC98.

Banyule, Manningham and Nillumbik Planning Schemes — Amendment GC119.

Baw Baw, Cardinia and Latrobe Planning Schemes — Amendment GC124.

Bayside Planning Scheme — Amendments C172 and C173.

Boroondara Planning Scheme — Amendments C322, C324 and C326.

Brimbank Planning Scheme — Amendment C215.

Cardinia Planning Scheme — Amendments C255 and C260.

Casey Planning Scheme — Amendments C198, C229, C260, C262 and C272.

Casey Planning Scheme and Greater Dandenong Planning Scheme — Amendment GC136.

Colac Otway, Corangamite, Greater Geelong, Moyne, Surf Coast and Warrnambool Planning Schemes — Amendment GC121.

Frankston and Mornington Peninsula Planning Schemes — Amendment GC127.

Frankston Planning Scheme — Amendment C134.

Glen Eira Planning Scheme — Amendment C203.

Glenelg Planning Scheme — Amendment C102.

Greater Bendigo Planning Scheme — Amendments C226 and C249.

- Greater Geelong Planning Scheme — Amendments C367, C404, C405 and C407.
Greater Shepparton Planning Scheme — Amendment C211.
Hume Planning Scheme — Amendments C230, C235, C241 and C242.
Kingston Planning Scheme — Amendment C185.
Knox Planning Scheme — Amendment C183.
Latrobe Planning Scheme — Amendment C105.
Loddon Planning Scheme — Amendment C41.
Macedon Ranges Planning Scheme — Amendments C117 and C130.
Mansfield Planning Scheme — Amendment C42.
Maribyrnong Planning Scheme — Amendment C147.
Melbourne Planning Scheme — Amendments C352 and C367.
Melton Planning Scheme — Amendments C172, C195 and C203.
Mitchell Planning Scheme — Amendments C124 and C148.
Monash Planning Scheme — Amendment C160.
Moonee Valley Planning Scheme — Amendment C201.
Moreland Planning Scheme — Amendments C188, C194, C197 and C198.
Mornington Peninsula Planning Scheme — Amendments C190, C206, C257 and C268.
Moyne Planning Scheme — Amendment C65.
Nillumbik Planning Scheme — Amendment C119.
Port Phillip Planning Scheme — Amendment C185.
Queenscliffe Planning Scheme — Amendments C31 and C34.
Southern Grampians Planning Scheme — Amendment C56.
Stonnington Planning Scheme — Amendments C282, C290 and C299.
Surf Coast Planning Scheme — Amendments C123 and C132.
Victoria Planning Provisions — Amendments VC158 and VC165.
Whittlesea Planning Scheme — Amendments C234, C235 and C242.
Yarra Planning Scheme — Amendments C268, C274 and C276.
Yarra Ranges Planning Scheme — Amendment C188.
- Statutory Rules under the following Acts of Parliament —
- Accident Towing Services Act 2007 — Nos. 139/2019, 148/2019 and 169/2019.
Assisted Reproductive Treatment Act 2008 — No. 115/2019.
Building Act 1993 — No. 116/2019.
Bus Safety Act 2009 — No. 165/2019.
Children, Youth and Families Act 2005 — No. 161/2019.
Commercial Passenger Vehicle Industry Act 2017 — Nos. 162/2019 and 166/2019.
Conservation, Forests and Lands Act 1987 — Nos. 2/2020 and 3/2020.
County Court Act 1958 — Nos. 126/2019 and 142/2019.
EastLink Project Act 2004 — No. 149/2019.
Education and Training Reform Act 2006 — No. 134/2019.
Electricity Safety Act 1998 — Nos. 112/2019, 113/2019 and 114/2019.
Essential Services Commission Act 2001 — Nos. 127/2019 and 128/2019.
Evidence Act 2008 — No. 111/2019.
Fisheries Act 1995 — Nos. 163/2019 and 164/2019.
Forests Act 1958 — No. 130/2019.
Freedom of Information Act 1982 — No. 155/2019.
Greenhouse Gas Geological Sequestration Act 2008 — No. 119/2019.
Health Practitioner Regulation National Law (Victoria) Act 2009 — No. 141/2019.
Heavy Vehicle National Law Application Act 2013 — No. 170/2019.
Independent Broad-based Anti-corruption Commission Act 2011 — No. 158/2019.
Livestock Disease Control Act 1994 — No. 1/2020.
Local Government Act 1989 — No. 156/2019.
Magistrates' Court Act 1989 — No. 144/2019.
Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 143/2019.
Marine Safety Act 2010 — No. 146/2019.
Melbourne City Link Act 1995 — No. 150/2019.

- Mineral Resources (Sustainable Development) Act 1990 — Nos. 137/2019 and 138/2019.
- Ombudsman Act 1973 — No. 157/2019.
- Prevention of Cruelty to Animals Act 1986 — No. 133/2019.
- Public Health and Wellbeing Act 2008 — Nos. 135/2019 and 4/2020.
- Public Interest Disclosures Act 2012 — No. 159/2019.
- Racing Act 1958 — No. 147/2019.
- Rail Safety National Law Application Act 2013 — No. 117/2019.
- Road Management Act 2004 — Nos. 151/2019 and 152/2019.
- Road Safety Act 1986 — Nos. 120/2019, 121/2019, 153/2019, 154/2019 and 172/2019.
- Service Victoria Act 2018 — No. 132/2019.
- Subordinate Legislation Act 1994 — Nos. 129/2019 and 136/2019.
- Supreme Court Act 1986 — Nos. 122/2019, 123/2019 and 125/2019.
- Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 124/2019.
- Tobacco Act 1987 — No. 131/2019.
- Tourist and Heritage Railways Act 2010 — No. 167/2019.
- Transport (Compliance and Miscellaneous) Act 1983 — Nos. 118/2019, 168/2019 and 171/2019.
- Transport Integration Act 2010 — No. 173/2019.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 145/2019.
- Victorian Inspectorate Act 2011 — No. 160/2019.
- Water Act 1989 — No. 140/2019.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 109/2019, 112/2019 to 173/2019, 1/2020 and 3/2020.
- Legislative instruments and related documents under section 16B in respect of —
- Minister's Notice of 12 November 2019 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration under the City of Greater Geelong Act 1993.
- Minister's Notice of 12 November 2019 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration under the City of Melbourne Act 2001.
- Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 2/2019 for or with respect to the use of work-related parliamentary allowances and the Electorate Office and Communications Budget, 20 December 2019, under section 36 of the Act.

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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:

- Building Amendment (Cladding Rectification) Act 2019 — Sections 1, 2, 3, 4(1), 9, 10, 27 and 28 — 17 December 2019 — Remaining Provisions — 1 January 2020 (*Gazette No. S537, 17 December 2019*).
- Children Legislation Amendment Act 2019 — Part 7 — 10 December 2019 (*Gazette No. S496, 3 December 2019*).
- Consumer Legislation Amendment Act 2019 — Part 2, Part 3, Part 8 and Part 9 — 18 December 2019 (*Gazette No. S537, 17 December 2019*).
- Essential Services Commission Amendment (Governance, Procedural and Administrative Improvements) Act 2019 — 6 December 2019 (*Gazette No. S496, 3 December 2019*).
- Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 — Part 2 and Schedule 1 — 31 December 2019 (*Gazette No. S537, 17 December 2019*).
- Justice Legislation Amendment (Criminal Appeals) Act 2019 — Divisions 2, 3, and 4 of Part 3 and Part 4 — 4 December 2019 (*Gazette No. S496, 3 December 2019*).

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 14(2), 16, 22, 24, 25, 27 and 31 — 10 December 2019 (*Gazette No. S514, 10 December 2019*).

Marine and Fisheries Legislation Amendment Act 2019 — Sections 10, 11 and 16 — 18 December 2019 — Sections 12, 13, 15 and Part 5 — 1 January 2020 — Remaining Provisions — 1 February 2020 (*Gazette No. S537, 17 December 2019*).

Parliamentary Committees Amendment Act 2019 — Section 7 — 30 December 2019 (*Gazette No. S537, 17 December 2019*).

Primary Industries Legislation Amendment Act 2019 — Sections 8, 11(2), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 39, 51, 55, 56 and 57 and Parts 1, 3, 6, 8, 9, 11 and 14 — 17 December 2019 (*Gazette No. S537, 17 December 2019*).

Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019 — Whole Act — 2 December 2019 (*Gazette No. S480, 26 November 2019*).

Transport Legislation Amendment Act 2019 — Divisions 1, 2 and 4 of Part 2, Subdivisions 1, 2 and 4 of Division 5 of Part 2, Section 64, Division 7 of Part 2 (except Sections 66(2) and 67), Remaining Provisions of Part 3, Part 4, Part 5, Part 6 and Part 7 and Schedule 1 (except items 1(e) and 159), Schedule 2, Schedule 3 (except item 28) and Schedule 4 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Water and Catchment Legislation Amendment Act 2019 — Sections 5(8), 83, 86, 89 and 96 — 1 January 2020 (*Gazette No. S514, 10 December 2019*).

Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019 — Part 1 and Part 3 — 1 January 2020 (*Gazette No. S537, 17 December 2019*).

8 PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS — The Clerk laid on the Table a letter from the Attorney-General, dated 11 December 2019, in response to the Resolution of the Council of 27 November 2019, relating to bushfire fuel load maps, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

9 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business later this day and on Thursday, 6 February 2020 —

- (1) Order of the Day made this day, second reading of the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020;
- (2) Notice of Motion No. 229 standing in the name of Mr Davis in relation to a joint select committee inquiry into the 2019-20 Bushfires;
- (3) Notice of Motion No. 230 standing in the name of Mr Davis in relation to a regional sitting in North East Victoria this year;
- (4) Notice of Motion No. 231 standing in the name of Mr Hayes in relation to Casey City Council; and
- (5) Notice of Motion No. 232 standing in the name of Mr Davis in relation to the disallowance in part of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019.

Question — put and agreed to.

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

11 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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QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a written response be provided to a question without notice pursuant to Standing Order 8.07 as follows:

- **Bush nursing centres – funding** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 6 February 2020.

12 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020 — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Ms Stitt, the debate was adjourned for two weeks.

14 2019-20 BUSHFIRES JOINT SELECT COMMITTEE — Mr Davis moved, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 30 November 2020, on the preparation for, co-ordination of, and implementation of the firefighting response to the 2019-20 bushfires in Gippsland and North East Victoria, including but not limited to, an examination of —
 - (a) all aspects of state government, department and agency actions, including —
 - (i) any relevant recent information or examples of bushfire response or preparation which, in the Committee's view, provide relevant lessons or learnings;
 - (ii) the volunteer and community response;
 - (b) the impacts on life and property and whether any could have been prevented by action before the bushfires;
 - (c) whether the response to the Victorian bushfires could have been improved, and if so, what lessons should be taken from these extensive and dangerous bushfires;
- (2) the Committee will make appropriate reference to the 2009 Victorian Bushfires Royal Commission's recommendations;
- (3) the Committee shall consist of —
 - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
 - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (4) a majority of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (8) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Debate ensued.

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

15 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — A statement on a report was made by a Member pursuant to Sessional Order 16.

17 ADJOURNMENT — Mr Somyurek moved, That the House do now adjourn.

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

And then the Council, at 9.07 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 49 — Thursday, 6 February 2020

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

2 EQUAL OPPORTUNITY AMENDMENT (EQUALITY IN SCHOOLS) BILL 2020 — Dr Ratnam introduced *A Bill for an Act to amend the Equal Opportunity Act 2010 to provide that particular provisions of that Act do not permit religious schools to discriminate against certain persons on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.*

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.

3 PAPERS —

VICTORIAN GOVERNMENT ANNUAL REPORT 2019 ON THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Annual Report 2019 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

The Report was presented by Ms Symes 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:

Crimes (Assumed Identities) Act 2004 — Reports, 2018-19, pursuant to section 31 by — the Independent Broad-based Anti-corruption Commission.
Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2018-19, pursuant to section 42BI by Victoria Police.

Mental Health Act 2014 — Report by the Chief Psychiatrist on Electroconvulsive treatment for people in Victoria under the age of 18 years: 2014 – 2019, under section 145 of the Act.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to Orders under the Occupational Health and Safety Act 2004 approving the —

Hazardous manual handling compliance code.

Plant compliance code.

Noise compliance code.

Confined spaces compliance code.

Hazardous substances compliance code.

Demolition compliance code.

Excavation compliance code.

Prevention of falls in general construction compliance code.

Prevention of falls in housing construction compliance code.

Managing asbestos in workplaces compliance code.

Removing asbestos in workplaces compliance code.

Documents under section 15 in respect of Statutory Rule No. 2.

Legislative instruments and related documents under section 16B in respect of a Minister's Order of 8 December 2019 approving the variation of compliance codes under the Workplace Injury Rehabilitation and Compensation Act 2013.

4 SITTING OF THE COUNCIL — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 18 February 2020.
Question — put and agreed to.

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

6 REGIONAL SITTING IN NORTH EAST VICTORIA — Ms Lovell (for Mr Davis) moved, That this House —

- (1) acknowledges the serious impact of the recent Victorian bushfires;
- (2) meets and sits in North East Victoria for one day in October or November 2020;
- (3) requires the President and the Clerk of the Legislative Council to consult with Towong Shire Council, Alpine Shire Council, Indigo Shire Council, the Rural City of Wangaratta and Wodonga Council and other Parliamentary staff in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in North East Victoria in October or November 2020.

Debate ensued.

Question — put and agreed to.

7 CASEY CITY COUNCIL — Mr Hayes moved, That this House urges the Victorian Government to act on the Independent Broad-based Anti-corruption Commission's findings of serious corruption at Casey City Council by —

- (1) dismissing the Casey City Council and holding democratic elections for a new Council as soon as possible;
- (2) introducing legislation to ban donations to political parties, sitting politicians and state and municipal candidates made by property developers and associated entities, in line with New South Wales and Queensland legislation; and
- (3) ensuring that property developers cannot provide direct or indirect financial support or gifts to members of Parliament, Councillors, planning staff or their families.

Debate ensued.

Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 4 February 2020 —

8 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:

- **Air monitoring in Western Melbourne** — substantive and supplementary questions asked by Dr Cumming — response from Mr Jennings due Monday, 10 February 2020.
- **West Gate Tunnel soil contamination** — substantive question asked by Mr Finn — response from Mr Jennings due Monday, 10 February 2020.
- **North Richmond Community Health Centre** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Friday, 7 February 2020.

9 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

10 CASEY CITY COUNCIL — Debate continued on the question, That this House urges the Victorian Government to act on the Independent Broad-based Anti-corruption Commission's findings of serious corruption at Casey City Council by —

- (1) dismissing the Casey City Council and holding democratic elections for a new Council as soon as possible;
- (2) introducing legislation to ban donations to political parties, sitting politicians and state and municipal candidates made by property developers and associated entities, in line with New South Wales and Queensland legislation; and
- (3) ensuring that property developers cannot provide direct or indirect financial support or gifts to members of Parliament, Councillors, planning staff or their families.

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

Question — That the motion be agreed to — put.

The Council divided — The President in the Chair.

AYES, 5

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

(Tellers: Mr Hayes and Mr Meddick)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Erdogan and Ms Taylor)

Question negatived.

Business having been interrupted at the conclusion of 3 hours of General Business pursuant to an Order of the Council of 4 February 2020 —

11 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

12 MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Ms Wooldridge moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has demonstrated to Victorians that —

- (1) the significant tax increases proposed by the Bill, and for which no mandate was sought at the 2018 election, can be justified;
- (2) the excessive fee increases proposed by this Bill for the various habitat types, including 26.4 per cent for the Golden Sun Moth, 19.3 per cent for Native Vegetation, and 19.3 per cent for Scattered Trees, will not result in higher purchase prices for homebuyers; and
- (3) that all monies held in the proposed Melbourne Strategic Assessment Fund will be expended in a timely manner and not used to protect the bottom line of the state budget.”.

Debate ensued.

Question — That the reasoned amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Finn and Mr Limbrick)

NOES, 24

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Dr Kieu and Ms Patten)

Question negatived.

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

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

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to an Order of the Council of 4 February 2020 —

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to an Order of the Council of 4 February 2020, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Jennings 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, 23

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Meddick and Mr Melhem)

NOES, 14

Mr Atkinson; Mr Bourman; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Bourman and Mr O'Donohue)

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 GENDER EQUALITY BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to require the public sector, Councils and universities to promote gender equality, to take positive action towards achieving gender equality, to establish the Public Sector Gender Equality Commissioner and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Mikakos), 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 Ms Crozier, the debate was adjourned for one week.

- 14 ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to provide for immediate licence or permit suspensions in certain cases and to make consequential and related amendments to that Act and to make minor amendments to*

the Sentencing Act 1991 and for other purposes and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Pulford), 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

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

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

And then the Council, at 7.25 p.m., adjourned until Tuesday, 18 February 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 47, 48 and 49

MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019

Committed Thursday, 6 February 2020

Clauses 1 to 147 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

