



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 65 — Thursday, 18 June 2020

Proof Version

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

2 **PETITIONS —**

INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 217 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management and provide recommendations to the Government in a final report.

Ordered to lie on the Table.

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SUPPORT MUSIC VENUES — Ms Patten presented a Petition bearing 15,690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Music Victoria to develop a package of needs-based financial assistance to protect small to mid-size enterprise music venues until they are able to trade sustainably, put in place a clear and balanced roadmap to reopen at full capacity and provide a fund to support the relaunching of the industry when COVID-19 restrictions are lifted.

Ordered to lie on the Table.

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

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AMEND THE NILLUMBIK PLANNING SCHEME — Mr Quilty presented a Petition bearing 1 signature from a citizen of Victoria requesting that the Legislative Council call on the Government to amend the Nillumbik Planning Scheme by reinstating the land, planning and infrastructure provisions that were in place prior to 2000, to ensure that such land will continue to be included in all altered or newly declared urban serviced districts for water, sewerage and drainage, and that those infrastructure assets are not eroded or re-directed to others at their expense, and should this action not be undertaken, to ensure that land owners can undertake mediation with the Government to negotiate for compensation on loss and damages.

Ordered to lie on the Table.

3 **PAPERS —**

HAZELWOOD MINE FIRE INQUIRY IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS REPORT, 2019 — Ms Tierney moved, by leave, That there be laid before this House a copy of Hazelwood Mine Fire Inquiry Implementation of recommendations and affirmations Report, 2019.

Question — put and agreed to.

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

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 Safety on Victoria's Roads — Regional Road Barriers, June 2020 (*Ordered to be published*).

Confiscation Act 1997 — Report, 2018-19 pursuant to section 139A by Victoria Police.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 51.

Surveillance Devices Act 1999 — Report, 2018-19 pursuant to section 30L by the Game Management Authority.

Victorian Environmental Assessment Council Act 2001 — Assessment of Victoria's Coastal Reserves Final Report, March 2020.

- 4 RIGHT OF REPLY — MR IAN COOK** — Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Ian Cook, Director, I Cook Foods, relating to statements made by the Hon Jenny Mikakos MLC, during Questions without Notice on 3 March 2020.

Ordered to lie on the Table and to be published.

- 5 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 4 August 2020.

Mr Davis moved, as an amendment, That the words "Tuesday, 4 August 2020" be **omitted** with a view of **inserting** "Tuesday, 30 June 2020" in their place.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 15

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

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

NOES, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Original question — That the Council, at its rising, adjourn until Tuesday, 4 August 2020 — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 268 to 276, be postponed until later this day.

- 8 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

(1) take into account further consultation about the benefits of removing the group cost orders and contingency fees provisions proposed for the *Supreme Court Act 1986*; and

(2) retain the remaining provisions of the Bill."

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.

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

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

- **Migrant Worker Centre – international students** — substantive question asked by Mr Davis — response from Ms Symes due Monday, 22 June 2020.
- **Security Industry inquiry** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 22 June 2020.
- **Whittlesea Council dismissal** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 June 2020.

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

11 RESIGNATION OF PRESIDENT — The President advised the House that he would leave the Chair and resign from the position of President, effective immediately.

12 ELECTION OF PRESIDENT — Pursuant to Standing Order 2.01, the Clerk announced that as there was a vacancy in the office of the President, the Council would proceed to the election of a new President of the Council.

Ms Symes, addressing the Clerk, nominated Mr Elasmr to be President.

Ms Mikakos seconded the nomination.

Mr Elasmr, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Elasmr to be elected President.

The Council then calling Mr Elasmr to the Chair, he was taken out of his place by Mr Melhem and Ms Mikakos and conducted to the Chair.

The President took the Chair and made acknowledgements to the Council for the high honour that had been conferred on him.

Mr Davis, Ms Lovell, Dr Cumming, Ms Symes, Ms Mikakos, Mr Atkinson, Mr Melhem, Dr Kieu, Mr Finn and Mr Ondarchie congratulated the President.

13 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

- (1) take into account further consultation about the benefits of removing the group cost orders and contingency fees provisions proposed for the *Supreme Court Act 1986*; and
- (2) retain the remaining provisions of the Bill."

Amendments proposed to be moved in Committee by Mr O'Donohue and Ms Tierney were circulated.

Debate continued.

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

The Council divided — The President in the Chair.

AYES, 16

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

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

NOES, 22

Mr Barton; Dr Cumming; Mr Elasmr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

Question – That the Bill now be read a second time — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 16

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

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

Question agreed to.

Bill read a second time.

Mr O'Donohue moved, That the Justice Legislation Miscellaneous Amendments Bill 2019 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by Monday, 30 November 2020.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; 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 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; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

Question negatived.

The President having ruled that certain amendments proposed to be moved in Committee by Ms Tierney were outside the scope of the Bill —

Ms Tierney moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the **Independent Broad-based Anti-corruption Commission Act 2011** to enable arrest warrants to be applied for and issued in further circumstances relating to witness summonses.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

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

Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Tierney 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, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Mrs McArthur; Ms Maxwell; 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.

14 COMMITTEE MEMBERSHIP — Ms Symes moved, by leave, That —

- (1) Mr Elasmarr be discharged from the Privileges Committee and the Standing Committee on Economy and Infrastructure;
- (2) Ms Pulford be discharged from the House Committee;
- (3) Mr Leane be a member of the Privileges Committee and the House Committee; and
- (4) Mr Tarlamis be a member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

15 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) 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 Grimley were circulated.

Question — put and agreed to.

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

House in Committee.

Business having been interrupted at 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.

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, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; 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.

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

NOES, 4

Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty.

(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.

16 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 — 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.

17 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and the Child Wellbeing and Safety Act 2005 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.

18 EDUCATION AND TRAINING REFORM AMENDMENT (REGULATION OF STUDENT ACCOMMODATION) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for the registration of premises at which accommodation services are provided to students enrolled at or attending registered schools and to make minor amendments to that Act and related consequential amendments to the Child Wellbeing and Safety 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 Ms Crozier (for Mr Rich-Phillips), the debate was adjourned for one week.

19 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the County Court Act 1958 to establish a Drug Court Division of the County Court and to make consequential and related amendments to certain other Acts, to amend the Limitation of Actions Act 1958 in relation to previously barred causes of action relating to child abuse, to make miscellaneous amendments to the Charities Act 1978 and the Victorian Civil and Administrative Tribunal Act 1998 and to amend the Children, Youth and Families Act 2005 in relation to chairpersons and alternate chairpersons of the Youth Parole Board 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

20 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 10.57 p.m., adjourned until Tuesday, 4 August 2020.

ANDREW YOUNG
Clerk of the Legislative Council