



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 67

No. 67 — Tuesday, 18 August 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **CONDOLENCES AND STATEMENTS —**
BEIRUT, LEBANON TRAGEDY — The President made a statement of condolence to those who lost their lives in the devastating explosion that occurred in Lebanon's Port of Beirut on Tuesday, 4 August 2020.

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75TH ANNIVERSARY OF THE END OF THE SECOND WORLD WAR — The President acknowledged that Saturday, 15 August 2020 marked the 75th anniversary of the end of the Second World War and expressed the House's respect to all those who served our nation during the war and made the ultimate sacrifice.
Members stood in their places as a mark of respect to the victims of the Beirut tragedy and in recognition of the 75th anniversary of the end of the Second World War.
- 3 **TEMPORARY ORDERS — QUORUM AND PAIRING ARRANGEMENTS** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place for the remainder of the sitting day —
 1. **Discretion in ringing the bells to form a quorum**
To assist with social distancing, the House gives the Chair further discretion in ringing the bells to form a quorum during the course of the sitting day under Standing Order 4.03(2), provided the Chair is confident that a quorum is present within the parliamentary precinct.
 2. **Formal pairing arrangements**
 - (1) Four Government Members and four Opposition Members will be formally paired and must not participate in a division.
 - (2) A Government representative and an Opposition representative must advise the Clerk at the Table of names of Members being paired while the division bells are ringing.
 - (3) A paired Member will not be included in the final vote.
 - (4) Members names will be listed in the Minutes of the Proceedings for each division as having been paired.

Debate ensued.
Question — put and agreed to.
- 4 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Mr Leane moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary arrangements to come into effect immediately and remain in place until the day the House next sits —

1. Order of Business

The Order of Business today will be —

Questions

Answers to Questions on Notice

Constituency Questions (up to 45 questions)

Formal Business

Members' Statements (up to 45 statements, by incorporation only)

Government Business

At 3.00 p.m. Adjournment (up to 60 adjournment matters).

2. Business to be incorporated only in Hansard

- (1) Members shall submit Members' Statements by providing them electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 Members' Statements. One Member may not submit more than three statements.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

3. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate:
 - (a) constituency questions; and/or
 - (b) adjournment debate matters —
 they may provide them electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House.
- (2) The Clerk may only accept a total of 45 constituency questions either delivered in the House or submitted for incorporation. One Member may not ask more than three questions.
- (3) The Clerk may only accept 60 adjournment debate matters either delivered in the House or submitted for incorporation. One Member may not raise more than three adjournment matters.
- (4) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred and after any matters (if any) that have been given in the House.
- (5) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (6) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

4. Members may incorporate their speeches for Bills

- (1) If a Member wishes to incorporate their speech for the debate of the second reading of any Bills debated they must electronically provide their speech to the Clerk (by email to council@parliament.vic.gov.au) by the time the House adjourns on the day the Bill was debated.
- (2) Incorporated speeches will be published in Hansard after all second reading speeches made in the House (if any) for each Bill and before the Minister's reply (if any).
- (3) If any matter contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

5. Next sitting of the House

- (1) The Council, at its rising, adjourn until Tuesday, 1 September 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, 31 August 2020.
- (2) If, in the opinion of the President, the next scheduled sitting or a rescheduled sitting should not proceed on the basis of health advice from the Chief Health Officer the President will consult with the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, to delay the next meeting and set a future day and hour to meet.
- (3) The President shall make available the advice from the Chief Health Officer to all Members.
- (4) The President will notify Members of any changes to the next sitting date.

6. Acting Presidents

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting Presidents may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

7. Questions on notice and Answers to questions on notice

Standing Orders 8.01(2), 8.09 and 8.12 are suspended and the following will apply:

- (1) A Member may lodge a written question on notice by providing it electronically to the Table Office.
- (2) A question on notice lodged with the Table Office must be provided in a manner that clearly identifies the Member asking the question.
- (3) Questions on notice may be asked on non-sitting days.
- (4) Questions on notice lodged on a day when the House is not sitting will be published on the Council's website on the next business day after they are lodged and will be included in the next Notice Paper published.
- (5) A question on notice will be considered as asked on the date it is published on the Council's website and a response is due within 30 days.
- (6) When an answer to a question on notice is provided in writing or electronically to the Table Office it will be given to the Member who asked the question and will be published.
- (7) After questions without notice have concluded a Minister will advise the Council the numbers of the questions on notice to which answers have been provided since the last sitting day.

Debate ensued.

Question — put and agreed to.

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

Pursuant to a temporary order of the Council of 4 August 2020, answers received and published between 5 and 17 August 2020 were laid on the Table.

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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:

- **Duck hunting season – Game Management Authority** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 19 August 2020.

- **Homelessness – temporary housing and drug dependency during pandemic** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 20 August 2020.
- **West Gate Tunnel works – Impact on residents** — substantive and supplementary questions asked by Dr Cumming — response from Ms Mikakos due Thursday, 20 August 2020.
- **Hotel Quarantine – Ministerial responsibility** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Mikakos due Thursday, 20 August 2020.
- **Firearm licenses** — substantive and supplementary questions asked by Mr Bourman — response from Ms Mikakos due Thursday, 20 August 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 earlier this day.

7 PETITION — REMOTE LEARNING FOR VCE STUDENTS DURING COVID-19 PANDEMIC — Mr Atkinson presented a Petition bearing 20 signatures from certain citizens of Victoria requesting that Legislative Council call on the Department of Education and Training and the Department of Health and Human Services to take action to eliminate the potential risk of exposure to COVID-19 by continuing remote learning for all students, including VCE students, after the stage 4 restrictions are lifted, until the threat of COVID-19 has passed completely and it is safe for students to return to face-to-face learning.

Ordered to lie on the Table.

8 STATE TAXATION ACTS AMENDMENT (REDRESS SCHEME) BILL 2020 — Ms Patten introduced *A Bill for an Act to amend various state taxation Acts in relation to the national redress scheme for institutional child sex abuse*.

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

9 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL EMPLOYMENT) BILL 2020 — Ms Patten introduced *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to the power of school councils to employ certain staff and for other purposes*.

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

10 PAPERS —

VICTORIAN GOVERNMENT RESPONSE TO REVIEW OF THE FAMILY VIOLENCE INFORMATION SHARING LEGISLATIVE SCHEME — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian Government Response to Review of the Family Violence Information Sharing Legislative Scheme.

Question — put and agreed to.

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

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ELECTORAL MATTERS COMMITTEE — INQUIRY INTO THE CONDUCT OF THE 2018 VICTORIAN STATE ELECTION — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Tarlamis presented a Report from the Electoral Matters Committee on the Inquiry into the conduct of the 2018 Victorian state election (including an Appendix and a Minority Report), and further presented Transcripts of Evidence.

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

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

Question — put and agreed to.

AUDITOR-GENERAL — REHABILITATING MINES — Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Rehabilitating Mines, August 2020.

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AUDITOR-GENERAL — MANAGEMENT OF THE STUDENT RESOURCE PACKAGE — Pursuant to section 59(4)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Report on Management of the Student Resource Package, August 2020.

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

Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster – Coronavirus (COVID-19) pandemic – Report 1, pursuant to section 23(7) of the Act.

Family Violence Protection Act 2008 — Final Report on the Review of the Family Violence Information Sharing Legislative Scheme, 30 May 2020, pursuant to section 144S of the Act.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2020 (*Ordered to be published*).

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

Greater Bendigo Planning Scheme — Amendment C250.

Latrobe Planning Scheme — Amendment C119.

Melton Planning Scheme — Amendment C221.

Port Phillip Planning Scheme — Amendment C163.

South Gippsland Planning Scheme — Amendment C115.

Stonnington Planning Scheme — Amendment C306.

Victoria Planning Provisions — Amendment VC176.

Yarra Ranges Planning Scheme — Amendments C183 and C194.

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

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 80.

Public Health and Wellbeing Act 2008 — No. 79.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 50, 76, 80 and 81.

Surveyor-General — Report on the administration of the Survey Co-ordination Act 1958, 2019-20.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in March 2020.

Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 25 June 2020 (*Gazette No. S318, 30 June 2020*).

11 TEMPORARY ORDERS — COVID-19 MEETING — Mr Davis moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the following temporary order to come into effect immediately and remain in place until 31 December 2020 —

COVID-19 meeting

- (1) If, on a Tuesday, the Council, for any reason, will not meet in the Chamber in the usual manner for the ordinary routine of business for at least 10 calendar days, the President shall chair a COVID-19 meeting of the Council.
- (2) A COVID-19 meeting may not take place in a week when a gazetted public holiday occurs.
- (3) A COVID-19 meeting is a combination of a quorum of Members physically present at Parliament House and additional Members participating in proceedings via audio-visual link.

- (4) A COVID-19 meeting will commence at 12.00 noon and shall be considered an official proceeding of the Council for all purposes.
- (5) Where no Government or General Business occurs at a COVID-19 meeting, it will not be considered a 'sitting day' for the purposes of determining statutory requirements.
- (6) The President will advise all Members of the COVID-19 meeting no later than 2.00 p.m. on the preceding Monday and the Clerk shall make a Notice Paper and Daily Business Program available to all Members at the same time.
- (7) The Chair will commence proceedings when a quorum is present in the Chamber. In relation to Members participating via audio-visual link, the Chair must be satisfied that the audio-visual link is of sufficient quality to —
 - (a) verify the identity of the Member attending via the link; and
 - (b) enable meaningful participation in the meeting by that Member.
- (8) In relation to Members' Statements, Constituency Questions and Adjournment matters, Members may either —
 - (a) contribute to the item by seeking the call; or
 - (b) provide their contribution electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House for incorporation in Hansard.
- (9) In relation to material submitted for incorporation in Hansard —
 - (a) the Clerk may only accept a total of 40 Members' Statements, either delivered verbally or submitted for incorporation and no one Member may make more than three statements;
 - (b) the Clerk may only accept a total of 45 Constituency Questions, either delivered verbally or submitted for incorporation and no one Member may ask more than three questions;
 - (c) the House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
 - (d) the content is subject to the Hansard editorial policy; and
 - (e) if any submitted material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.
- (10) No motions (except those outlined in paragraphs (12) and (13)), debate or voting will be permitted at a COVID-19 meeting.
- (11) A Member may raise a point of order via email with the President up to two hours after an answer has been given in the House by a Minister to a question without notice in relation to the determination that the Minister provide a written response pursuant to Standing Order 8.07. The President will make a ruling by return email to all Members accordingly and if a response is ordered, this will be included in the Minutes of the Proceedings.
- (12) In relation to motions —
 - (a) a Member may provide notice of any motion to the Clerk by 10.00 a.m. on the Monday preceding the COVID-19 meeting. The Clerk will circulate notices to all Members at least 24 hours prior to the COVID-19 meeting;
 - (b) a Member seeks leave for a motion to be moved and agreed to without debate when providing it to the Clerk for circulation;
 - (c) any Member may deny leave by doing so in writing to the Clerk prior 11.30 a.m. on the day of the COVID-meeting; and
 - (d) the President will report the motions agreed to and the content of these will be included in the Minutes of the Proceedings.
- (13) In relation to Government Bills —
 - (a) a Minister may provide notice of any Bill they intend to introduce, first read and second read to the Clerk by 10.00 a.m. on the Monday preceding the COVID-

- 19 meeting. The Clerk will circulate notice of any Bills to all Members at least 24 hours prior to the COVID-19 meeting;
- (b) a Minister seeks leave to move these questions on a Bill and have them be agreed to (without debate, other than the Minister's second reading speech) when providing it to the Clerk for circulation;
 - (c) no second reading contributions other than the Minister's second reading speech are permitted at a COVID-19 meeting;
 - (d) any Member may notify the Clerk that they do not grant leave for any of these questions on a Bill to be moved; and
 - (e) if leave is not denied, a Minister may move to introduce, first read and second read a Bill.
- (14) The Order of Business will be —
- Prayer and Acknowledgement of Country
 - Papers
 - Questions
 - Answers to Questions on Notice
 - Members may seek an explanation for questions on notice not answered after 30 days (no motion to take note of the explanation is permitted to be moved)
 - Constituency Questions (up to 45 questions)
 - Members' statements (up to 40 statements)
 - Government Business motions (circulated, by leave, prior to the meeting)
 - General Business motions (circulated, by leave, prior to the meeting)
 - Government Bills (notice of intention circulated to move to introduce, first read and second read, by leave, prior to the meeting)
 - Business of the House – the President shall set a day and hour of the next ordinary meeting of the Council
 - Adjournment.

Debate ensued.

Mr Quilty moved, as an amendment, That after the final paragraph, **insert** the following temporary orders:

“2. Remote participation

- (1) Any Member may request the permission of the President to attend the sitting of the House via audio-visual link.
- (2) The President will grant permission for a Member to attend the sitting of the House via audio-visual link where the President believes there are sufficient grounds to do so.
- (3) The Chair must be satisfied that the audio-visual link is of sufficient quality to —
 - (a) verify the identity of the Member attending via the link; and
 - (b) enable meaningful participation in the sitting by that Member.
- (4) A Member attending the sitting of the House via audio-visual link will be permitted to contribute to all items of business scheduled during that sitting day by either —
 - (a) speaking to the item when they have the call; or
 - (b) providing their contribution electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House for incorporation in Hansard.
- (5) In relation to material submitted for incorporation in Hansard —
 - (a) the House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred;
 - (b) all incorporated material to be published in Hansard is subject to the Hansard editorial policy; and
 - (c) if any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

3. Remote voting

In addition to existing temporary arrangements for divisions, Members participating remotely when a question is put —

- (1) may voice their vote with the Ayes or the Noes and call for a division, where applicable; and
- (2) must vote in a division if they are connected to the proceedings by audio-visual link; and
- (3) will be counted in a division by physically standing when requested to do so by the Chair for the 'Ayes' or 'Noes'. The Chair will ask any Member voting in this manner to confirm their vote verbally at the time of counting.”.

Debate ensued.

Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council earlier this day, the debate stood adjourned in the name of Mr Finn.

12 MEMBERS' STATEMENTS — Statements were received from Members for incorporation in Hansard pursuant to an Order of the Council earlier this day.

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

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

And then the Council, at 3.32 p.m., adjourned until Tuesday, 1 September 2020.

ANDREW YOUNG
Clerk of the Legislative Council