



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 68 and 69

No. 68 — Tuesday, 1 September 2020

- 1 The President took the Chair at 9.37 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator Richard Di Natale.
- 3 **TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes 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 end of the sitting week —
 1. **Definition of Chamber**
 - (1) The lower public galleries and lower side galleries and upper galleries (excluding the media gallery) are taken to be part of the Legislative Council Chamber.
 - (2) Protective Services Officers are permitted to enter the upper galleries and will not be considered a 'stranger' for the purposes of Standing Order 22.01.
 2. **Discretion in ringing the bells to form a quorum**
 - (1) At the start of each day a quorum of 14 Members must be present in the Chamber in order for the President to take the Chair and the sitting to proceed.
 - (2) 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.
 3. **Order of Business**

The Order of Business today will be —

 - Messages
 - Formal Business
 - Members' Statements
 - Government Business
 - At 12.00 noon** Questions
 - Answers to Questions on Notice
 - Constituency Questions
 - Government Business (continues)
 - At 10.00 p.m.** Adjournment.

4. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate:
 - (a) Members' statements;
 - (b) constituency questions; and/or
 - (c) 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 one Members' statement and one adjournment debate matter, either delivered in the House or submitted for incorporation, from each member for the sitting week.
- (3) The Clerk may only accept a total of 30 constituency questions either delivered in the House or submitted for incorporation. One Member may not ask more than three questions.
- (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.

5. 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.

Debate ensued.

Question — put and agreed to.

4 PETITIONS —

SOLE TRADER BUSINESS SUPPORT — Ms Bath presented a Petition bearing 659 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider the outgoing expenses a sole trader incurs when determining their eligibility for the current grants under Victoria's Business Support Fund.

Ordered to lie on the Table.

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NO DRUG INJECTING ROOM AT COHEALTH — Mr Ondarchie presented a Petition bearing 249 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to reverse the decision to open a drug injecting room at cohealth on Victoria Street, Melbourne, as a drug injecting room will lead to an increase in anti-social behaviour and drug crime on our streets.

Ordered to lie on the Table.

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CEASE THE COVID-19 METROPOLITAN MELBOURNE AND MITCHELL SHIRE LOCKDOWN — Mr Quilty presented a Petition bearing 1,500 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to examine the professional medical and scientific evidence and immediately cease and desist the COVID-19 Metropolitan Melbourne and Mitchell Shire lockdown and associated restrictions.

Ordered to lie on the Table.

5 PAPERS —

PARLIAMENTARY INTEGRITY ADVISER'S REPORT, 2019-20 — Pursuant to section 4(b) of the Resolution of the Council on 30 April 2019, the Clerk laid on the Table a copy of the Parliamentary Integrity Adviser's 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:

Criminal Organisations Control Act 2012 — Review of Victorian Criminal Organisation Laws – Stage One, 30 June 2020, under section 137 of the Act.

Criminal Procedure Act 2009 — Victoria Police Trial of Digitally Recorded Evidence in Chief – Family Violence — Final Evaluation Report, 14 February 2020.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2020, under section 303 of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to — Electricity Safety (Electric Line Clearance) Regulations 2020 (Statutory Rule No. 50) (*Gazette No. S420, 18 August 2020*).

RCBO Prohibition Notice 2020 (*Gazette No. G33, 20 August 2020*).

Judicial Entitlements Act 2015 — Judicial Entitlements Panel's Own Motion Recommendations to the Attorney-General Report, May 2020, pursuant to section 33 of the Act.

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

Casey, Colac Otway, Greater Bendigo and Pyrenees Planning Schemes — Amendment GC170.

Corangamite Planning Scheme — Amendment C53.

Maroondah Planning Scheme — Amendment C128.

Port Phillip Planning Scheme — Amendment C172.

Victoria Planning Provisions — Amendment VC186.

Whittlesea Planning Scheme — Amendment C213 (Part 1).

Public Health and Wellbeing Act 2008 — Orders in Council, under section 126 of the Act — Declaring novel coronavirus 2019 (2019-nCoV) to be a notifiable condition, 28 July 2020 (*Gazette No. G30, 30 July 2020*).

Amending the Order made on 28 July 2020, 18 August 2020 (*Gazette No. G33, 20 August 2020*).

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 83.

Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 85.

Education and Training Reform Act 2006 — No. 81.

Libraries Act 1988 — No. 87.

Mental Health Act 2014 — No. 82.

Occupational Health and Safety Act 2004 — No. 84.

Public Health and Wellbeing Act 2008 — No. 86.

Victims of Crime Assistance Act 1996 — No. 88.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 79, 82 and 84 to 89.

Legislative instruments and related documents under section 16B in respect of —

Ministerial Order No. 1291 – Order Amending Ministerial Order No. 615 – Amendment to Order Fixing of Fees Administered by the Victorian Registration and Qualifications Authority of 14 and 17 August 2020, under the Education and Training Reform Act 2006.

Prohibition of Supply of Electrical Equipment Notice of 29 June 2020, under the Electricity Safety Act 1998.

Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of operations, January to June 2020.

- 6 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 2 September 2020 —
- (1) Order of the Day for the second reading of the Education and Training Reform Amendment (School Employment) Bill 2020;
 - (2) Order of the Day for the second reading of the Victorian Law Reform Commission Amendment Bill 2020;
 - (3) Notice of Motion No. 314 standing in the name of Mr Barton referring a matter to the Economy and Infrastructure Committee relating to community buses;
 - (4) Notice of Motion No. 352 standing in the name of Ms Crozier relating to hotel quarantine breaches and contact tracing;
 - (5) the notice of motion given this day by Mr Davis in relation to the production of documents relating to orders made under the *Public Health and Wellbeing Act 2008*; and
 - (6) the notice of motion given this day by Mr Davis in relation to the disallowance in full of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020.

Question — put and agreed to.

- 7 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 earlier this day.

- 8 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020** — Ms Mikakos introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 in relation to certain matters relating to the COVID-19 pandemic, and for other purposes.*

On the motion of Ms Mikakos, the Bill was read a first time.

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

Debate ensued.

Question — put and agreed to.

Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

Debate ensued.

Business having been interrupted at 12.00 noon pursuant to an Order of the Council earlier this day.

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

MEDI7 MEDICAL SUPPORT SERVICES TO HOTEL QUARANTINE — Ms Mikakos having given answers to a question without notice and supplementary question relating to Medi7 medical support services to hotel quarantine —

On the motion of Ms Crozier, 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.

Pursuant to a temporary order of the Council of 18 August 2020, answers received and published between 19 and 31 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:

- **Sole trader small business support during pandemic** — supplementary question asked by Mr Davis — response from Ms Pulford due Wednesday, 2 September 2020.
- **Increase in homelessness during pandemic** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 3 September 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 earlier this day.

11 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020 — Debate continued on the question, That the Bill be now read a second time.

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

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

Debate continued.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 18

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

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

Question agreed to.

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

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council earlier this day —

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

Bill further considered in Committee of the whole.

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

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

Bill further considered in Committee of the whole.

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

WEDNESDAY, 2 SEPTEMBER 2020

Ms Symes moved, That the sitting be extended.

Question — put and agreed to.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Mikakos 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, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 19

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

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

Question agreed to.

Bill read a third time.

Bill transmitted to the Assembly with a Message requesting their agreement.

12 ADJOURNMENT — Ms Tierney moved, That the House do now adjourn.

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

And then the Council, at 2.24 a.m., adjourned until later this day.

ANDREW YOUNG

Clerk of the Legislative Council

No. 69 — Wednesday, 2 September 2020

- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — VOTE AGAINST EXTENSION OF STATE OF EMERGENCY** — Mr Limbrick presented a Petition bearing 1,081 signatures from certain citizens of Victoria requesting that the Legislative Council vote against an extension of the State of Emergency declaration, and call on the Premier, the Honourable Daniel Andrews, to apologise for the gross mishandling of the hotel quarantine program.
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
 - Duties Act 2000 — Treasurer's Report for 1 January to 30 June 2020 of Foreign Purchaser Additional Duty Exemptions, under section 3E of the Act.
 - Financial Management Act 1994 — Explanation from the Assistant Treasurer under section 46(3)(a) of the Act, for the delay of the 2019-20 Reports of the —
 - Accident Compensation Conciliation Service
 - Adult Multicultural Education Service
 - Adult, Community and Further Education Board
 - Agriculture Victoria Services
 - Albury Wodonga Health
 - Alexandra District Health
 - Alfred Health
 - Alpine Health
 - Alpine Resorts Co-ordinating Council
 - Ambulance Victoria
 - Architects' Registration Board of Victoria
 - Austin Health
 - Australian Centre for the Moving Image
 - Australian Grand Prix Corporation

Bairnsdale Regional Health Service
Ballarat General Cemeteries Trust
Ballarat Health Services
Barwon Health
Barwon Region Water Corporation
Barwon South West Waste and Resource Recovery Group
Bass Coast Health
Beaufort and Skipton Health Service
Beechworth Health Service
Benalla Health
Bendigo Cemeteries Trust
Bendigo Health Care Group
Boort District Health
Casterton Memorial Hospital
Castlemaine Health
Caulfield Racecourse Reserve Trust
CenITex
Central Gippsland Health Service
Central Gippsland Rural Water Corporation
Central Highlands Rural Water Corporation
Cohuna District Hospital
Colac Area Health
Coliban Region Water Corporation
Commercial Passenger Vehicles Victoria
Commissioner for Environmental Sustainability
Corangamite Catchment Management Authority
Corryong Health
Country Fire Authority
Court Services Victoria
Dairy Food Safety Victoria
Dental Health Services Victoria
Development Victoria
Dhelkunya Dja Land Management Board
Djerriwarrh Health Services
East Gippsland Catchment Management Authority
East Gippsland Rural Water Corporation
East Grampians Health Service
East Wimmera Health Service
Echuca Regional Health
Edenhope and District Memorial Hospital
Emerald Tourist Railway Board
Emergency Services Telecommunications Authority
Energy Safe Victoria
Environment Protection Authority
Essential Services Commission
Film Victoria
Game Management Authority
Geelong Cemeteries Trust
Geelong Performing Arts Centre Trust

Gippsland and Southern Rural Water Corporation
Gippsland Southern Health Service
Gippsland Waste and Resource Recovery Group
Glenelg Hopkins Catchment Management Authority
Goulburn Broken Catchment Management Authority
Goulburn Valley Health
Goulburn Valley Rural Water Corporation
Goulburn Valley Waste and Resource Recovery Group
Grampians Central West Waste and Resource Recovery Group
Grampians Wimmera Mallee Water Corporation
Great Ocean Road Health
Greyhound Racing Victoria
Gunaikurnai Traditional Owner Land Management Board
Harness Racing Victoria
Health Purchasing Victoria
Heathcote Health
Hepburn Health Service
Heritage Council of Victoria
Hesse Rural Health Service
Heywood Rural Health
Independent Broad-based Anti-corruption Commission
Infrastructure Victoria
Inglewood and Districts Health Service
Judicial College of Victoria
Judicial Commission of Victoria
Kardinia Park Stadium Trust
Kerang District Health
Kooweerup Regional Health Service
Kyabram District Health Service
Kyneton District Health Service
Latrobe Regional Hospital
Library Board of Victoria
Loddon Mallee Waste and Resource Recovery Group
Lower Murray Water
Maldon Hospital
Mallee Catchment Management Authority
Mallee Track Health and Community Service
Mansfield District Hospital
Maryborough District Health Service
Melbourne and Olympic Parks Trust
Melbourne Convention and Exhibition Trust
Melbourne Market Authority
Metropolitan Fire and Emergency Services Board
Metropolitan Waste and Resource Recovery Group
Moyne Health Services
Murray Valley Wine Grape Industry Development Committee
Museums Board of Victoria
Nathalia Cobram and Numurkah (NCN) Health
North Central Catchment Management Authority

North East Catchment Management Authority
North East Region Water Corporation
North East Waste and Resource Recovery Group
Northeast Health Wangaratta
Northern Health
Office of Public Prosecutions
Omeo District Health
Orbost Regional Health
Parks Victoria
Peninsula Health
Peter MacCallum Cancer Centre
Phillip Island Nature Park
Port of Hastings Development Authority
Port Phillip & Westernport Catchment Management Authority
Portable Long Service Benefits Authority
Portland District Health
PrimeSafe
Professional Standards Council of Victoria
Queen Victoria Women's Centre Trust
Residential Tenancies Bond Authority
Roads Corporation
Robinvale District Health Services
Rochester and Elmore District Health Service
Royal Botanic Gardens Board
Rural Northwest Health
Senior Master of the Supreme Court
Sentencing Advisory Council
Seymour Health
Shrine of Remembrance Trustees
South Gippsland Hospital
South Gippsland Rural Water Corporation
South West Healthcare
Southern Metropolitan Cemeteries Trust
State Electricity Commission
State Sport Centres Trust
Stawell Regional Health
Surveyors Registration Board of Victoria
Sustainability Victoria
Swan Hill District Health
Tallangatta Health Service
Terang and Mortlake Health Service
The Greater Metropolitan Cemeteries Trust
The Kilmore and District Hospital
The Mildura Cemetery Trust
The Queen Elizabeth Centre
The Royal Victorian Eye and Ear Hospital
The Royal Women's Hospital
Timboon and District Healthcare Service
Trust for Nature (Victoria)

Tweddle Child and Family Health Service
V/Line Corporation
Veterinary Practitioners Registration Board of Victoria
VicForests
Victoria Legal Aid
Victoria State Emergency Service Authority
Victorian Arts Centre Trust
Victorian Assisted Reproductive Treatment Authority
Victorian Building Authority
Victorian Curriculum and Assessment Authority
Victorian Electoral Commission
Victorian Environmental Water Holder
Victorian Equal Opportunity and Human Rights Commission
Victorian Fisheries Authority
Victorian Funds Management Corporation
Victorian Health Promotion Foundation
Victorian Inspectorate
Victorian Institute of Forensic Medicine
Victorian Institute of Forensic Mental Health
Victorian Institute of Sport Trust
Victorian Institute of Teaching
Victorian Interpreting & Translating Service
Victorian Law Reform Commission
Victorian Legal Services Board
Victorian Legal Services Commissioner
Victorian Ombudsman
Victorian Pharmacy Authority
Victorian Planning Authority
Victorian Plantations Corporation
Victorian Ports Corporation (Melbourne)
Victorian Public Sector Commission
Victorian Regional Channels Authority
Victorian Registration and Qualifications Authority
Victorian Responsible Gambling Foundation
Victorian Strawberry Industry Development Committee
Visit Victoria
Wannon Water
West Gippsland Catchment Management Authority
West Gippsland Healthcare Group
West Wimmera Health Service
Western District Health Service
Western Health
Western Region Water Corporation
Westernport Rural Water Corporation
Wimmera Catchment Management Authority
Wimmera Health Care Group
Yarram and District Health Service
Yarrawonga Health
Yea and District Memorial Hospital

Yorta Yorta Traditional Owner Land Management Board
Zoological Parks and Gardens Board.
Radiation Advisory Committee — Report, 2019-20.

- 4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 15 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, 14 September 2020, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 5 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Dr Kieu be a participating member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

- 6 JOINT SITTING — SENATE VACANCY** — Ms Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Richard Di Natale and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Friday, 4 September 2020 at 3.00 p.m.

Question — put and agreed to.

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

- 7 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 1 September 2020.

- 8 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL EMPLOYMENT) 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.

- 9 VICTORIAN LAW REFORM COMMISSION AMENDMENT BILL 2020** — Mr Grimley laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Grimley moved, That the Bill be now read a second time.

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

- 10 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — COMMUNITY BUSES** — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by no later than November 2021, on extending school buses for use by the wider public to enhance the mobility of regional and rural Victorians, including, but not limited to —

- (1) an independent analysis of the transport disadvantages experienced by regional and rural Victorians, specifically youth, the elderly and low-income households;
- (2) investigating the potential social and community impacts of improving mobility options by widening the mainstream school bus system and an analysis of the examples and trials from other jurisdictions both locally and overseas;
- (3) investigating technology and systems that would be effective in ensuring child safety on mainstream school buses;
- (4) identifying any existing or potential barriers to allowing public access to the mainstream school bus network;
- (5) identifying the spare capacity of existing assets in the School Bus Program and how that might be used to enhance public transport options in regional and rural Victoria; and
- (6) investigating the costs of extending mainstream school buses to the general public and how a fare system would function.

Debate ensued.

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

Question — put and agreed to.

11 HOTEL QUARANTINE BREACHES AND CONTACT TRACING — Ms Crozier moved, That this House —

- (1) expresses concern in the administrative failures of the COVID-19 response overseen by the Minister for Health and the Minister for the Coordination of Health and Human Services — COVID-19, the Hon Jenny Mikakos MLC, including —
 - (a) breaches in hotel quarantine security that has led to wide spread community transmissions;
 - (b) the catastrophic failures in contact tracing; and
- (2) notes failures in communication, testing regimes and the overall preparedness of COVID-19 to protect Victorian lives and livelihoods.

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

12 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:

- **Child protection measures during pandemic** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Mikakos due Friday, 4 September 2020.
- **COVID-19 risk to high rise tenants** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 4 September 2020.

13 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 1 September 2020.

14 HOTEL QUARANTINE BREACHES AND CONTACT TRACING — Debate continued on the motion, That this House —

- (1) expresses concern in the administrative failures of the COVID-19 response overseen by the Minister for Health and the Minister for the Coordination of Health and Human Services — COVID-19, the Hon Jenny Mikakos MLC, including —
 - (a) breaches in hotel quarantine security that has led to wide spread community transmissions;
 - (b) the catastrophic failures in contact tracing; and
- (2) notes failures in communication, testing regimes and the overall preparedness of COVID-19 to protect Victorian lives and livelihoods.

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, 18

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

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; 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)

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

15 PRODUCTION OF DOCUMENTS — ORDERS MADE UNDER THE PUBLIC HEALTH AND WELLBEING ACT 2008 — Ms Crozier (for Mr Davis) moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, on or before Tuesday, 15 September 2020, 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 under the *Public Health and Wellbeing Act 2008* and other Acts, including the following Gazetted COVID-19 response orders and directions —

- (1) Declaration of a State of Emergency;
- (2) Airport Arrivals Direction (18 March 2020);
- (3) Mass Gatherings Directions (18 March 2020);
- (4) Cruise Ship Docking Direction (19 March 2020);
- (5) Aged Care Facilities Directions (21 March 2020);
- (6) Mass Gatherings Direction (No. 2) (21 March 2020) (replacing Mass Gatherings Directions of 18 March 2020);
- (7) Non-essential Business Closure Directions (23 March 2020) – closure or limits on numbers, 4 square meters provisions for pubs, bars, gyms, casino, cinemas, places of worship, etcetera;
- (8) Hospital Visitor Directions (23 March 2020);
- (9) Isolation (Diagnosis) Direction (25 March 2020);
- (10) Non-Essential Activity Directions (25 March 2020) (replacing Non-Essential Business Closure Directions of 23 March 2020) – closure of entertainment facilities, places of worship, non-essential retail, food and drink, etcetera, except for permitted operations;
- (11) Prohibited Gathering Directions (25 March 2020) (replacing Mass Gatherings Direction (No. 2) of 21 March 2020);
- (12) Non-essential Activity Direction (No. 2) (26 March 2020) (replacing Non-Essential Activity Directions of 25 March 2020);
- (13) Revocation of Airport Arrivals and Cruise Ship Docking Directions (28 March 2020);
- (14) Stay at Home Directions (30 March 2020) (replacing Prohibited Gatherings Directions of 25 March 2020);
- (15) Restricted Activity Directions (30 March 2020) (replacing Non-Essential Activity Directions (No. 2) of 26 March 2020);
- (16) Stay at Home Directions (No. 2) (2 April 2020) (replacing Stay at Home Directions of 30 March 2020);
- (17) Ministers of the Crown - Commissioning of the Crisis Council of Cabinet;
- (18) Pharmacists Supply on a Digital Image (PHEO #4) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981* – in force until midnight 6 October 2020;
- (19) Stay at Home Directions (No. 3) (7 April 2020) (replacing Stay at Home Directions (No. 2) of 2 April 2020) – provisions for childminding arrangements;
- (20) Restricted Activity Directions (No. 2) (7 April 2020) (replacing Restricted Activity Directions of 30 March 2020);
- (21) Care Facilities Directions (7 April 2020) (replacing Aged Care Facilities Direction of 21 March 2020);
- (22) Isolation (Diagnosis) Directions (No. 2) (13 April 2020) (replacing Isolation (Diagnosis) Directions of 26 March 2020);
- (23) Stay at Home Directions (No. 4) (13 April 2020) (replacing Stay at Home Directions (No. 3) of 7 April 2020);
- (24) Hospital Visitor Direction (No. 2) (13 April 2020) (replacing Hospital Visitor Directions of 23 March 2020);
- (25) Care Facilities Direction (No. 2) (13 April 2020) (replacing Care Facilities Directions of 7 April 2020);
- (26) Restricted Activity Directions (No. 3) (13 April 2020) (replacing Restricted Activity Directions (No. 2) of 7 April 2020);

- (27) Restricted Activity Direction (No. 4) (17 April 2020) (replacing Restricted Activity Direction (No. 3) of 13 April 2020);
- (28) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981*;
- (29) Restricted Activity Directions (No. 5) (24 April 2020) (replacing Restricted Activity Directions (No. 4) of 17 April 2020);
- (30) Order in Council made under section 55(2) of the *Drugs, Poisons and Controlled Substances Act 1981*;
- (31) Restricting the Sale or Supply or Use of the Poison or Controlled Substance Hydroxychloroquine;
- (32) Pharmacists Supply on a Digital Image (PHEO #4 as Amended) Public Health Emergency Order under section 22D of the *Drugs, Poisons and Controlled Substances Act 1981* – in force until midnight 6 October 2020 (replacing PHEO #4 issued 7 April 2020);
- (33) Stay at Home Directions (No. 6) (11 May 2020) (replacing Stay at Home Directions (No. 5) of 11 May 2020);
- (34) Restricted Activity Directions (No. 7) (11 May 2020) (replacing Restricted Activity Directions (No. 6) of 11 May 2020);
- (35) Diagnosed Persons and Close Contact Directions (11 May 2020);
- (36) Hospital Visitor Directions (No. 3) (11 May 2020) (replacing Hospital Visitor Directions (No. 2) of 13 April 2020);
- (37) Care Facilities Directions (No. 3) (11 May 2020) (replacing Care Facilities Directions (No. 2) of 13 April 2020);
- (38) Stay at Home Directions (No. 5) (11 May 2020) (replacing Stay at Home (No. 4) of 13 April 2020);
- (39) Restricted Activity Directions (No. 6) (11 May 2020) (replacing Restricted Activity Directions (No. 5) of 24 April 2020);
- (40) Stay at Home Directions (No. 7) (24 May 2020) (replacing Stay at Home Directions (No. 6) of 11 May 2020);
- (41) Restricted Activity Directions (No. 8) (24 May 2020) (replacing Restricted Activity Directions (No. 7) of 11 May 2020);
- (42) Stay Safe Directions (31 May 2020) (replacing Stay at Home Directions (No. 7) of 24 May 2020);
- (43) Restricted Activity Directions (No. 9) (31 May 2020) (replacing Restricted Activity Directions (No. 8) of 24 May 2020);
- (44) Diagnosed Persons and Close Contacts Directions (No. 2) (31 May 2020) (replacing Diagnosed Persons and Close Contacts Directions of 11 May 2020);
- (45) Hospital Visitor Directions (No. 4) (31 May 2020) (replacing Hospital Visitor Directions (No. 3) of 11 May 2020);
- (46) Care Facilities Directions (No. 4) (31 May 2020) (replacing Care Facilities Directions (No. 3) of 11 May 2020);
- (47) Public Health Emergency Order under section 22D (PHEO #7) of the *Drugs, Poisons and Controlled Substances Act 1981* – supply of Schedule 4 Prescription Only Medicines that may be in short supply;
- (48) Public Health Emergency Order under section 22G (PHEO #6) of the *Drugs, Poisons and Controlled Substances Act 1981* – administer, supply or subscribe Schedule 8 poison;
- (49) Hospital Visitor Directions (No. 5) (16 June 2020) (replacing Hospital Visitor Directions (No. 4) of 31 May 2020);
- (50) Restricted Activity Directions (No. 10) (21 June 2020) (replacing Restricted Activity Directions (No. 9) of 31 May 2020);
- (51) Stay Safe Directions (No. 2) (21 June 2020) (replacing Stay Safe Directions of 31 May 2020);
- (52) Care Facilities Directions (No. 5) (21 June 2020) (replacing Care Facilities Directions (No. 4) of 31 May 2020);

- (53) Hospital Visitor Directions (No. 6) (21 June 2020) (replacing Hospital Visitor Directions (No. 5) of 16 June 2020);
- (54) Diagnosed Persons and Close Contacts Directions (No. 3) (21 June 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 2) of 31 May 2020);
- (55) Diagnosed Persons and Close Contacts Directions (No. 4) (1 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 3) of 21 June 2020);
- (56) Care Facilities Directions (No. 6) (1 July 2020) (replacing Care Facilities Directions (No. 5) of 21 June 2020);
- (57) Hospital Visitor Directions (No. 7) (1 July 2020) (replacing Hospital Visit Directions (No. 6) of 21 June 2020);
- (58) Restricted Activity Directions (No. 11) (1 July 2020) (replacing Restricted Activity Directions (No. 10) of 21 June 2020);
- (59) Stay Safe Directions (No. 3) (1 July 2020) (replacing Stay Safe Directions (No. 2) of 21 June 2020);
- (60) Restricted Activity Directions (Restricted Postcodes) (1 July 2020);
- (61) Stay at Home Directions (Restricted Postcodes) (1 July 2020);
- (62) Area Directions (1 July 2020);
- (63) Detention Directions (12 Sutton Street, North Melbourne) (4 July 2020);
- (64) Detention Directions (12 Holland Street, North Melbourne) (4 July 2020);
- (65) Detention Directions (9 Pampas Street, North Melbourne) (4 July 2020);
- (66) Detention Directions (159 Melrose Street, North Melbourne) (4 July 2020);
- (67) Detention Directions (130 Racecourse Road, Flemington) (4 July 2020);
- (68) Detention Directions (126 Racecourse Road, Flemington) (4 July 2020);
- (69) Detention Directions (120 Racecourse Road, Flemington) (4 July 2020);
- (70) Detention Directions (76 Canning Street, North Melbourne) (4 July 2020);
- (71) Detention Directions (33 Alfred Street, North Melbourne) (4 July 2020);
- (72) Area Directions (No. 2) (4 July 2020) (replacing Area Directions of 1 July 2020);
- (73) Restricted Activity Directions (No. 12) (8 July 2020) (replacing Restricted Activity Directions (No. 11) of 1 July 2020);
- (74) Stay Safe Directions (No. 4) (8 July 2020) (replacing Stay Safe Directions (No. 3) of 1 July 2020);
- (75) Restricted Activity Directions (Restricted Areas) (8 July 2020) (replacing Restricted Activity Directions (Restricted Postcodes) of 1 July 2020);
- (76) Stay at Home Directions (Restricted Areas) (8 July 2020) (replacing Stay at Home Directions (Restricted Postcodes) of 1 July 2020);
- (77) Area Directions (No. 3) (8 July 2020) (replacing Area Directions (No. 2) of 4 July 2020);
- (78) Revocation of Detention Directions (12 Sutton Street, North Melbourne) (9 July 2020);
- (79) Revocation of Detention Directions (12 Holland Court, Flemington) (9 July 2020);
- (80) Revocation of Detention Directions (9 Pampas Street, North Melbourne) (9 July 2020);
- (81) Revocation of Detention Directions (159 Melrose Street, North Melbourne) (9 July 2020);
- (82) Revocation of Detention Directions (130 Racecourse Road, Flemington) (9 July 2020);
- (83) Revocation of Detention Directions (126 Racecourse Road, Flemington) (9 July 2020);
- (84) Revocation of Detention Directions (120 Racecourse Road, Flemington) (9 July 2020);
- (85) Revocation of Detention Directions (76 Canning Street, North Melbourne) (9 July 2020);
- (86) Revocation of Detention Direction (33 Alfred Street, North Melbourne) (9 July 2020);
- (87) Stay at Home Directions (Restricted Areas) (No. 2) (10 July 2020) (replacing Stay at Home Directions (Restricted Areas) of 8 July 2020);
- (88) Stay Safe Directions (No. 5) (10 July 2020) (replacing Stay Safe Directions (No. 4) of 8 July 2020);
- (89) Diagnosed Persons and Close Contacts Directions (No. 5) (15 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 4) of 1 July 2020);
- (90) Care Facilities Directions (No. 7) (19 July 2020) (replacing Care Facilities Directions (No. 6) of 1 July 2020);
- (91) Hospital Visitor Directions (No. 8) (19 July 2020) (replacing Hospital Visitor Directions (No. 7) of 1 July 2020);
- (92) Diagnosed Persons and Close Contacts Directions (No. 6) (19 July 2020);

- (93) Restricted Activity Directions (No. 13) (19 July 2020) (replacing Restricted Activity Directions (No. 12) of 8 July 2020);
- (94) Stay Safe Directions (No. 6) (19 July 2020) (replacing Stay Safe Directions (No. 5) of 10 July 2020);
- (95) Restricted Activity Directions (Restricted Areas) (No. 2) (19 July 2020) (replacing Restricted Activity Directions (Restricted Areas) of 8 July 2020);
- (96) Stay at Home Directions (Restricted Areas) (No. 3) (19 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 2) of 10 July 2020);
- (97) Area Directions (No. 4) (19 July 2020) (replacing Area Directions (No. 3) of 8 July 2020);
- (98) Extension of Declaration of a State of Emergency - until 16 August 2020;
- (99) Care Facility Directions (No. 8) (22 July 2020) (replacing Care Facility Directions (No. 7) of 19 July 2020);
- (100) Hospital Visitor Directions (No. 9) (22 July 2020) (replacing Hospital Visitor Directions (No. 8) of 19 July 2020);
- (101) Diagnosed Persons and Close Contacts Directions (No. 7) (21 July 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 6) of 19 July 2020);
- (102) Diagnosed Persons and Close Contacts Directions (No. 5) (15 July 2020);
- (103) Restricted Activity Directions (No. 14) (21 July 2020) (replacing Restricted Activity Directions (No. 13) of 19 July 2020);
- (104) Stay Safe Directions (No. 7) (21 July 2020) (replacing Stay Safe Directions (No. 6) of 19 July 2020);
- (105) Restricted Activity Directions (Restricted Areas) (No. 3) (22 July 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 2) of 19 July 2020);
- (106) Stay at Home Directions (Restricted Areas) (No. 4) (22 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 3) of 19 July 2020);
- (107) Public Health Emergency Order (PHEO #7) under section 22G of the *Drugs, Poisons and Controlled Substances Act 1981* (28 July 2020) – extension of PHEO #7, 9 June 2020 until 31 December 2020;
- (108) Stay Safe Directions (No. 8) (30 July 2020) (replacing Restricted Activity Directions (No. 7) of 21 July 2020);
- (109) Restricted Activity Directions (No. 15) (30 July 2020) (replacing Restricted Activity Directions (No. 14) of 21 July 2020);
- (110) Area Directions (No. 5) (30 July 2020) (replacing Area Directions (No. 4) of 19 July 2020);
- (111) Stay at Home Directions (Restricted Areas) (No. 5) (30 July 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 4) of 22 July 2020);
- (112) Stay at Home Directions (Restricted Areas) (No. 6) (2 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 5) of 30 July 2020);
- (113) Restricted Activity Directions (Restricted Areas) (No. 4) (2 August 2020) (replacing Restricted Activity Directions (No. 3) of 22 July 2020);
- (114) Restricted Activity Directions (No. 16) (2 August 2020) (replacing Restricted Activity Directions (No. 15) of 30 July 2020);
- (115) Stay Safe Directions (No. 9) (2 August 2020) (replacing Stay Safe Directions (No. 8) of 30 July 2020);
- (116) Restricted Activity Directions (Restricted Areas) (No. 5) (2 August 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 4) of 2 August 2020);
- (117) Stay at Home Directions (Restricted Areas) (No. 7) (2 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 6) of 2 August 2020);
- (118) Care Facilities Directions (No. 9) (3 August 2020) (replacing Care Facilities Directions (No. 8) of 22 July 2020);
- (119) Diagnosed Persons and Close Contacts Direction (No. 8) (3 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 7) of 21 July 2020);
- (120) Stay at Home Directions (Restricted Areas) (No. 9) (5 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 8) of 2 August 2020);
- (121) Area Directions (No. 6) (5 August 2020) (replacing Area Directions (No. 5) of 30 July 2020);

- (122) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (5 August 2020);
- (123) Workplace Directions (5 August 2020);
- (124) Stay at Home Directions (Non-Melbourne) (5 August 2020) (replacing Stay Safe Directions (No. 9) of 2 August 2020);
- (125) Stay at Home Directions (Restricted Areas) (No. 8) (5 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 7) of 2 August 2020);
- (126) Restricted Activity Directions (Non-Melbourne) (5 August 2020) (replacing Restricted Activity Directions (No. 16) of 2 August 2020);
- (127) Restricted Activity Directions (No. 6) (5 August 2020) (replacing Restricted Activity Directions (No. 5) of 2 August 2020) – permitted work premises, permits;
- (128) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 2) (8 August 2020) (replacing Permitted Worker Scheme Directions of 5 August 2020);
- (129) Workplace (Additional Industry Obligations) Directions (8 August 2020);
- (130) Workplace Directions (No. 2) (8 August 2020) (replacing Workplace Directions, of 5 August 2020);
- (131) Workplace (Additional Industry Obligations) Directions (No. 2) (8 August 2020) (replacing Workplace (Additional Industry Obligations) Directions of 8 August 2020);
- (132) Stay at Home Directions (Restricted Areas) (No. 10) (8 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 9) of 5 August 2020);
- (133) Workplace (Additional Industry Obligations) Directions (No. 3) (11 August 2020) (replacing Workplace (Additional Industry Obligations) (No. 2) of 8 August 2020);
- (134) Stay at Home Directions (Restricted Areas) (No. 11) (13 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 10) of 8 August 2020);
- (135) Stay at Home Directions (Non-Melbourne) (No. 2) (13 August 2020) (replacing Stay at Home Directions (Non-Melbourne) of 5 August 2020);
- (136) Restricted Activity Directions (Non-Melbourne) (No. 2) (13 August 2020) (replacing Restricted Activity Directions (Non-Melbourne) of 5 August 2020);
- (137) Restricted Activity Directions (Restricted Areas) (No.7) (13 August 2020) (replacing Restricted Activity Directions (Restricted Areas) (No. 6) of 5 August 2020);
- (138) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 3) (13 August 2020) (replacing Permitted Worker Permit Scheme (No. 2) of 8 August 2020);
- (139) Diagnosed Persons and Close Contacts Directions (No. 9) (13 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 8) of 3 August 2020);
- (140) Hospital Visitor Directions (No. 10) (16 August 2020) (replacing Hospital Visitor Directions (No. 9) of 22 July 2020);
- (141) Diagnosed Persons and Close Contacts Directions (No. 10) (16 August 2020) (replacing Diagnosed Persons and Close Contacts Directions (No. 9) of 13 August 2020);
- (142) Care Facilities Directions (No. 10) (16 August 2020) (replacing Care Facilities Directions (No. 9) of 3 August 2020);
- (143) Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 4) (16 August 2020) (replacing Permitted Worker Permit Scheme Directions (No. 3) of 13 August 2020);
- (144) Workplace Directions (Additional Industry Obligations) Directions (No. 4) (16 August 2020) (replacing Workplace Direction (Additional Industry Obligations) Directions (No. 3) of 11 August 2020);
- (145) Workplace Directions (No. 3) (16 August 2020) (replacing Workplace Directions (No. 2) of 8 August 2020);
- (146) Stay at Home Directions (Non-Melbourne) (No. 3) (16 August 2020) (replacing Stay at Home Directions (Non-Melbourne) (No. 2) of 13 August 2020);
- (147) Stay at Home Directions (Restricted Areas) (No. 12) (16 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 11) of 13 August 2020);

- (148) Restricted Activity Directions (Non-Melbourne) (No. 3) (16 August 2020) (replacing Restricted Activity Directions (Non-Melbourne) (No. 2) of 13 August 2020);
- (149) Restricted Activity Directions (Restricted Areas) (No. 8) (16 August 2020) (replacing Restricted Activity Directions (No. 7) of 13 August 2020);
- (150) Area Directions (No. 7) (16 August 2020) (replacing Area Directions (No. 6) of 5 August 2020);
- (151) Extension of Declaration of a State of Emergency (16 August 2020), effective from 11:59 pm on 16 August until 11:59 pm on 13 September 2020; and
- (152) Stay at Home Directions (Restricted Areas) (No. 13) (20 August 2020) (replacing Stay at Home Directions (Restricted Areas) (No. 12) of 16 August 2020).

Debate ensued.

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

Question — put and agreed to.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —

16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

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 5.55 p.m., adjourned until Tuesday, 15 September 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 68 and 69

PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020

Committed Tuesday, 1 September 2020

Amendments circulated: Mr Davis (pp. 527-9)

Clause 1 — Mr Davis moved Amendment Nos. 1 to 3.

Ms Symes moved, That the question be now put.

And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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 negated.

Clause 1 — Ms Symes moved, That the question be now put.

And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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.

Clause 1 — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 19

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

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

Question agreed to.

Clause 2 — put and agreed to.

Clause 3 — Mr Leane moved, That the question be now put.

And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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.

Clause 3 — Question — That clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 19

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

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

Question agreed to.

Clause 4 — Mr Leane moved, That the question be now put.

And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —

Question — That the question be now put — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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.

Clause 4 — Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 19

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

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

Question agreed to.

Clause 5 — put and agreed to.

New Clause — Mr Davis moved Amendment No. 5.

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

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; 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; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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 negated.

New Clause — Mr Davis moved Amendment No. 6.

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

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

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

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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 negated.

Clause 6 — Question — That clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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, 19

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

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

Question agreed to.

Clause 7 — put and agreed to.

New Clause — Mr Davis moved Amendment No. 7.

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

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

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

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; 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 negated.

Clause 8 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION AND OTHER MATTERS) BILL 2020

Amendments circulated by Mr Davis

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines and insert—
 - "(a) to provide for a state of emergency declaration that relates to the COVID-19 pandemic continuing in force for a total period that exceeds 6 months, on a month by month basis; and
 - (ab) to provide for measures to enhance transparency during a state of emergency; and
 - (ac) to provide for restrictions on the making of directions in relation to the Parliamentary precincts; and".
2. Clause 1, page 2, line 9, omit "; and" and insert ".".
3. Clause 1, page 2, lines 10 to 13, omit all words and expressions on these lines.
4. Clause 5, omit this clause.
5. Insert the following New Clause before clause 6—

'5 Declaration of a state of emergency

- (1) In section 198(7)(c) of the **Public Health and Wellbeing Act 2008** for "6 months." **substitute** "6 months, other than in accordance with a resolution of both Houses of the Parliament that approves the total period exceeding 6 months."
- (2) After section 198(7) of the **Public Health and Wellbeing Act 2008** insert—

"(7A) A resolution passed by both Houses of the Parliament that approves a state of emergency declaration continuing in force for a total period that exceeds 6 months—

 - (a) must specify the total additional period, not exceeding one month, for which the state of emergency declaration may continue in force in accordance with the resolution; and
 - (b) must be in respect of a state of emergency declaration that relates to the COVID-19 pandemic; and
 - (c) should not be moved until—
 - (i) a statement of the basis on which it is proposed that the declaration continue in force and the objectives of continuing the declaration in force, including as to how these objectives relate to the objects of the Act has been laid before the House; and
 - (ii) all members of Parliament who so request have received appropriate briefings and appropriate information on the circumstances causing a serious risk to public health out of which the state of emergency arises; and
 - (d) may be passed more than one time in respect of the same state of emergency declaration."
- (3) After section 198(9) of the **Public Health and Wellbeing Act 2008** insert—

"(10) Despite anything to the contrary in the Subordinate Legislation (Legislative Instruments) Regulations 2011, a declaration under subsection (1) is not an exempt legislative instrument, but the following are not required for any proposed declaration—

- (a) consultation under section 12C of the **Subordinate Legislation Act 1994**;
- (b) the preparation of a regulatory impact statement under section 12E of the **Subordinate Legislation Act 1994**.".'

6. Insert the following New Clause after clause 5—

'5A New section 198A

After section 198 of the **Public Health and Wellbeing Act 2008** insert—

"198A Measures to enhance transparency during a state of emergency

- (1) This section applies during any period when a declaration of a state of emergency is in force.
- (2) The Leader of the Opposition, the leader of any other political party represented in the Parliament or an independent elected member may request that the Premier provide briefings or specified information in relation to the circumstances causing a serious risk to public health out of which the state of emergency arises, or any other matter relating to the state of emergency.
- (3) The Premier must, as soon as practicable, provide the requested briefings or information to the person who requested it.
- (4) The President of the Legislative Council and the Speaker of the Legislative Assembly must make their best endeavours to summon each House to meet at least once during each month that the declaration is in force.".'

7. Insert the following New Clause after clause 7—

'8 New sections 200A and 200B

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

"200A Limit on power to give directions

- (1) For the avoidance of doubt, a direction must not be given under subsection 200(1)(d) in relation to the attendance in the Parliamentary precincts of a member of the Parliament, or any other person engaged in the normal carrying on of business of the Parliament.

Note

Section 19 of the **Constitution Act 1975** provides for the privileges, immunities and powers (parliamentary privilege) of the Council and Assembly respectively and committees and members thereof. The **Public Health and Wellbeing Act 2008** does not expressly override section 19 of the **Constitution Act 1975**.

- (2) In this section—

parliamentary precincts has the same meaning as in the **Parliamentary Precincts Act 2001**.

200B Directions etc. to be laid before Parliament

- (1) If a direction is given under section 200(1)(d) in the exercise of the emergency powers, the Minister must cause to be laid before both Houses of the Parliament, within one business day of the direction being given, a copy of—
 - (a) the direction; and
 - (b) all briefings provided, in respect of the giving of the direction, to the Chief Health Officer and the authorised officer who gave the direction (if that was not the Chief Health Officer); and
 - (c) a statement of the basis on which the direction was given, including as to how the giving of the direction relates to the objects of the Act.
- (2) If the Minister proposes to cause a copy of a direction, briefings and a statement to be laid before Parliament at a time when Parliament is not sitting, the Minister must give a

copy of the direction, the briefings and the statement to the Clerk of each House within one business day of the direction being given.

- (3) The Clerk of each House must—
- (a) give a copy of the direction, the briefings and the statement to each member of the House as soon as practicable after receiving them under subsection (2); and
 - (c) cause a copy of the direction, the briefings and the statement to be laid before the House on the next sitting day of the House."