



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 85 — Thursday, 26 November 2020

Proof Version

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

2 **ELECTORAL ACT AMENDMENT (PREFERENCE HARVESTING) BILL 2020** — Ms Patten introduced *A Bill for an Act to amend the Electoral Act 2002 to provide for offences in relation to voting preference harvesting where there is a payment or benefit 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.

3 **PAPERS** —

ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO EXPANDING MELBOURNE'S FREE TRAM ZONE — Pursuant to Standing Order 23.29, Mr Erdogan presented a Report from the Economy and Infrastructure Committee on the Inquiry into expanding Melbourne's Free Tram Zone (including an Appendix, Extracts of Proceedings 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 Erdogan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO NUCLEAR PROHIBITION — Pursuant to Standing Order 23.29, Mr Melhem presented a Report from the Environment and Planning Committee on the Inquiry into nuclear prohibition (including an Appendix, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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

Cenitex — Report, 2019-20.

Gambling Regulation Act 2003 — Review of the Point of Consumption Tax on wagering and betting, under section 4.6A.26 of the Act.

Local Jobs First — Report, 2019-20.

Public Health and Wellbeing Act 2008 — No Jab No Play 2020 Review, October 2020, under section 149A of the Act.

- 4 SITTING OF THE COUNCIL** — Mr Leane moved, That the Council, at its rising, adjourn until Tuesday, 8 December 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, 7 December 2020, and the President will notify Members of any changes to the next sitting date.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.

- 7 TRANSPORT LEGISLATION AMENDMENT 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 Davis were circulated.

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

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

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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:

- **Public housing waiting list** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 30 November 2020.
- **Animal cruelty** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 30 November 2020.
- **Public housing evictions** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Stitt due Monday, 30 November 2020.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

- 10 TRANSPORT LEGISLATION AMENDMENT BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

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

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

- 11 HUMAN TISSUE AMENDMENT 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 Limbrick were circulated.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

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, 34

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

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

NOES, 2

Mr Limbrick; 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 without amendment.

12 JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS) BILL 2020

— Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

Bill reported without amendment.

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

On the motion of Ms Symes, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

The Report was adopted, and the Bill was read a third time and passed.

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

13 APPROPRIATION (2020-2021) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2020/2021 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

14 APPROPRIATION (PARLIAMENT 2020-2021) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2020/2021 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.
- Ms Tierney moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 16 STATE TAXATION ACTS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Environment Protection Act 1970, the Environment Protection Amendment Act 2018, the First Home Owner Grant Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005, the Taxation Administration Act 1997 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.
- On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Ms Tierney 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 Tierney, the second reading speech was incorporated into Hansard.
- Ms Tierney moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 17 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.
- Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.
- And then the Council, at 7.15 p.m., adjourned until Tuesday, 8 December 2020.

ANDREW YOUNG
Clerk of the Legislative Council