



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 74 — Thursday, 15 October 2020

*Proof Version*

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- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020** — The President announced that he had received a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill in accordance with Joint Standing Order 6(1):
- In clause 16, page 12, line 31, as inserted by the Council’s amendment agreed to by the Assembly, which inserts new subsection (1A)(f) into the *Public Health and Wellbeing Act 2008*, inserting a double quotation mark and a third full stop at the end of the new subsection, as follows:
- (f) a health service provider.”.”.
- 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:
- Auditor-General’s Report on —
- Accessibility of Tram Services, October 2020 (*Ordered to be published*).
- Early Years Management in Victorian Sessional Kindergartens, October 2020 (*Ordered to be published*).
- Emergency Management Act 1986 — Report to Parliament on declaration of State of Disaster — Coronavirus (COVID-19) pandemic - Report 3, pursuant to section 23(7) of the Act.
- Financial Management Act 1994 — 2019-20 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).
- Fire Rescue Victoria Act 1958 — Year One Fire Services Reform Implementation Plan, October 2020.
- National Parks Act 1975 — Report on the working of the Act, 2019-20.
- National Parks Advisory Council — Report, 2019-20.
- Public Record Office Victoria — Report, 2019-20.
- 4 **BUSINESS OF THE COUNCIL** — Dr Cumming moved, by leave, That precedence be given to the following General Business on Friday, 16 October 2020 —
- (1) Notice of Motion No. 350 standing in the name of Dr Cumming in relation to establishing a Select Committee to inquire into the strategic direction for complementary therapies
  - (2) Notice of Motion No. 357 standing in the name of Dr Cumming in relation to the use of revenue collected from gambling activities; and
  - (3) Order of the Day No. 36, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business.
- 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. 268 to 275, be postponed until later this day.
- 7 NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Ms Taylor, the debate was adjourned until later this day.
- 8 50<sup>TH</sup> ANNIVERSARY OF THE WEST GATE BRIDGE COLLAPSE** — Ms Stitt moved, by leave, That this House —
- (1) notes that Thursday, 15 October 2020 marks the 50<sup>th</sup> anniversary of Victoria's most profound industrial disaster, the West Gate Bridge collapse, which occurred at 11.50 a.m., on Thursday, 15 October 1970;
  - (2) expresses —
    - (a) deep grief for the 35 workers who lost their lives, and the 18 who were seriously injured;
    - (b) gratitude to the frontline emergency workers who attended the scene;
    - (c) appreciation for the heroic acts of workers and others who survived and assisted in the rescue efforts;
    - (d) sincere condolences to the families and friends of those who were killed or injured in this tragic accident and stands with those who survived and continue to fight for the rights of workers to a health and safe workplace;
  - (3) acknowledges that the West Gate Bridge collapse was a turning point for workplace safety in the state of Victoria;
  - (4) recognises —
    - (a) the ongoing efforts of many who survived that day in campaigning for ground-breaking occupational health and safety laws;
    - (b) our occupational health and safety laws play a critical part in ensuring that these large-scale industrial tragedies do not happen again; and
    - (c) we must recommit to doing all that we can to ensure that Victorian workers come home safe at the end of each day.

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

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

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

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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:

- **Bus licensing – VicRoads** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 19 October 2020.
- **Right to protest** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Tierney due Monday, 19 October 2020.
- **COVID-19 – impact on spa industry** — supplementary question asked by Mr Atkinson — response from Ms Pulford due Friday, 16 October 2020.
- **Firearms licenses – approval timeframes** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 19 October 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 of 15 September 2020.

- 11 NATIONAL ENERGY LEGISLATION AMENDMENT 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, by leave, 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.

- 12 POLICE AND EMERGENCY 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 O'Donohue were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

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

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

NOES, 6

Mr Atkinson; Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty; Dr Ratnam.

*(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 ordered to be committed to a Committee of the whole on the next day of meeting.

- 13 CLADDING SAFETY VICTORIA BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a body corporate called Cladding Safety Victoria for the purposes of administering a cladding rectification program and to make related amendments to the Building Act 1993 and the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

- 14 CONSUMER LEGISLATION AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to make amendments to the Residential Tenancies Amendment Act 2018 and the Retirement Villages Act 1986 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

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

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

- 15 WORKER SCREENING BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the screening of persons working with or caring for children or providing supports or services to persons with a disability under the National Disability Insurance Scheme, to repeal the Working with Children Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

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

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

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

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*