



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 66

No. 66 — Tuesday, 4 August 2020

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - On 23 June 2020 —
 - Great Ocean Road and Environs Protection Act 2020*
 - Petroleum Legislation Amendment Act 2020*
 - Wage Theft Act 2020*
 - On 30 June 2020 —
 - Justice Legislation Miscellaneous Amendments Act 2020*
 - Sentencing Amendment (Emergency Worker Harm) Act 2020.*
- 3 **SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **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.

5 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 20 Members).

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 20 adjournment debate matters either delivered in the House or submitted for incorporation.
- (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, 18 August 2020, at a time to be determined by the President, or an earlier day and hour to be fixed by the President.
- (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.

6 QUESTIONS AND MINISTERS' STATEMENTS — Questions without notice were taken and a Minister's Statement was made pursuant to Sessional Order 13.

DOHERTY REPORT INTO COVID-19 MODELLING — Ms Mikakos having given an answer to a question without notice relating to the Doherty Report into COVID-19 modelling —

On the motion of Mr Finn, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice continued and 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:

- **Management of hotel quarantine security** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **COVID-19 elimination strategy** — substantive and supplementary questions asked by Mr Hayes — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Doherty Report into COVID-19 modelling** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Release of COVID-19 health order information** — substantive and supplementary questions asked by Mr Davis — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Utilisation and capacity of ICU beds** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Mikakos due Wednesday, 5 August 2020.
- **COVID-19 contact tracing** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 5 August 2020.
- **Support packages for hire car drivers during COVID-19 pandemic** — substantive and supplementary questions asked by Mr Barton — response from Ms Mikakos due Thursday, 6 August 2020.
- **Local Government elections 2020** — substantive and supplementary questions asked by Dr Cumming — response from Mr Leane due Wednesday, 5 August 2020.

7 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.

8 PETITION — PROTECT BRUMBIES — Ms Lovell presented a Petition bearing 14,671 signatures from certain citizens of Victoria requesting that Legislative Council call on the Government to abandon plans to remove all brumbies from the Bogong High Plains, Barmah and Eastern Alps and instead manage sustainable brumby populations, introduce legislation to protect brumby bloodlines and establish scientific and community advisory panels to participate in all future decisions for brumby populations, which should include a representative from key brumby organisations.

Ordered to lie on the Table.

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

9 VICTORIAN LAW REFORM COMMISSION AMENDMENT BILL 2020 — Mr Grimley introduced *A Bill for an Act to amend the Victorian Law Reform Commission Act 2000 to provide for the making and consideration of referrals from the public to the Commission, for related matters and for other purposes.*

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

10 PAPERS —

LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO HOMELESSNESS IN VICTORIA — INTERIM REPORT — Pursuant to Standing Order 23.29, Ms Patten presented an Interim Report from the Legal and Social Issues Committee on the Inquiry into homelessness in Victoria (including Appendices).

Ordered to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE VICTORIAN GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC — INTERIM REPORT —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented an Interim Report from the Public Accounts and Estimates Committee on the Inquiry into the Victorian Government's response to the COVID-19 pandemic (including Appendices, 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.

Ms Stitt moved, That the Council take note of the Report.

Question — put and agreed to.

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LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD —

Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into the closure of I Cook Foods Pty Ltd (including Appendices, Transcripts of Evidence, Extracts of Proceedings and a Minority Report).

Ordered to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 7 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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AUDITOR-GENERAL — ANNUAL PLAN 2020-21 — Pursuant to section 74(3)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General's Annual Plan 2020-21.

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PARLIAMENTARY BUDGET OFFICE OPERATIONAL PLAN 2020-21 — Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, the Clerk laid on the Table a copy of the Parliamentary Budget Office's Operational Plan 2020-21, June 2020.

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OMBUDSMAN — OMBUDSMAN'S RECOMMENDATIONS – THIRD REPORT — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Ombudsman's recommendations – third report, June 2020.

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OMBUDSMAN — INVESTIGATION INTO THE PLANNING AND DELIVERY OF THE WESTERN HIGHWAY DUPLICATION PROJECT — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the planning and delivery of the Western Highway duplication project, July 2020.

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AUDITOR-GENERAL — RESULTS OF 2019 AUDITS: TECHNICAL AND FURTHER EDUCATION INSTITUTES — 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 Results of 2019 Audits: Technical and Further Education Institutes, June 2020.

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AUDITOR-GENERAL — RESULTS OF 2019 AUDITS: UNIVERSITIES — 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 Results of 2019 Audits: Universities, June 2020.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE 2017-18 AND 2018-19 FINANCIAL AND PERFORMANCE OUTCOMES — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Public Accounts and Estimates Committee's Report on the Inquiry into the 2017-18 and 2018-19 financial and performance outcomes.

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT ON OPERATION GLOUCESTER — Pursuant to section 162(12)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Special Report on Operation Gloucester: An investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the murders of Sergeant Gary Silk and Senior Constable Rodney Miller, July 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:

- Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan 2020-2025, pursuant to section 33E of the Act.
- Audit Act 1994 — Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office, 31 July 2020, pursuant to section 83(4) of the Act.
- Crown Land (Reserves) Act 1978 —
 - Minister's Order of 1 April 2020 giving approval to the granting of a licence at Seaford Foreshore Reserve.
 - Minister's Order of 7 June 2020 giving approval to the granting of a lease at Merricks Beach Foreshore Reserve.
 - Minister's Order of 18 June 2020 giving approval to the granting of a licence at Gasworks Park Reserve.
 - Minister's Order of 18 June 2020 giving approval to the granting of a lease at Gasworks Park Reserve.
 - Minister's Order of 25 June 2020 giving approval to the granting of a lease at Sandringham Beach Park.
- Melbourne Cricket Ground Trust — Report, year ended 31 March 2020.
- Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2019-20 Budget Estimates.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
 - Bayside Planning Scheme — Amendments C162 and C179.
 - Boroondara Planning Scheme — Amendment C327.
 - Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira and Swan Hill Planning Schemes — Amendment GC160.
 - Cardinia Planning Scheme — Amendments C235 and C263.
 - Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham Planning Schemes — Amendment GC150.
 - Colac Otway Planning Scheme — Amendments C103 and C108.
 - Darebin Planning Scheme — Amendment C190.
 - Glen Eira Planning Scheme — Amendments C213, C215 and C216.
 - Golden Plains Planning Scheme — Amendment C90.
 - Greater Dandenong Planning Scheme — Amendments C223 and C225.
 - Greater Geelong and Surf Coast Planning Schemes — Amendment GC104.
 - Greater Geelong Planning Scheme — Amendments C372, C415 and C416.
 - Indigo Planning Scheme — Amendment C76.
 - Kingston Planning Scheme — Amendment C196.
 - Latrobe Planning Scheme — Amendments C114 and C115.
 - Macedon Ranges Planning Scheme — Amendment C138.
 - Melbourne Planning Scheme — Amendments C258 and C389.

- Mildura Planning Scheme — Amendment C110.
 - Moreland Planning Scheme — Amendment C209.
 - Mornington Peninsula Planning Scheme — Amendment C276.
 - Nillumbik Planning Scheme — Amendment C125.
 - Port Phillip Planning Scheme — Amendments C142, C160, C168 and C191.
 - South Gippsland Planning Scheme — Amendment C116.
 - Southern Grampians Planning Scheme — Amendment C59.
 - Stonnington Planning Scheme — Amendment C305.
 - Warrnambool Planning Scheme — Amendment C103.
 - Whitehorse Planning Scheme — Amendments C216, C219 and C226.
 - Whittlesea Planning Scheme — Amendments C127, C203, C228, C243 and C248.
- Statutory Rules under the following Acts of Parliament —
- Assisted Reproductive Treatment Act 2008 — No. 64.
 - Cemeteries and Crematoria Act 2003 — No. 71.
 - Commercial Passenger Vehicle Industry Act 2017 — No. 65.
 - Disability Act 2006 — Nos. 59 and 60.
 - Domestic Animals Act 1994 — No. 52.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 73.
 - Electricity Safety Act 1998 — No. 50.
 - Electronic Transactions (Victoria) Act 2000 — No. 70.
 - Environment Protection Act 1970 — No. 62.
 - Fire Rescue Victoria Act 1958 — Nos. 68 and 69.
 - Fisheries Act 1995 — No. 51.
 - Health Services Act 1988 — No. 77.
 - Local Government Act 2020 — City of Melbourne Act 2001 — No. 72.
 - Marine Safety Act 2010 — No. 63.
 - Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 — No. 61.
 - Mineral Resources (Sustainable Development) Act 1990 — Nos. 55 and 56.
 - Occupational Health and Safety Act 2004 — No. 78.
 - Public Health and Wellbeing Act 2008 — No. 76.
 - Sex Work Act 1994 — No. 49.
 - Supreme Court Act 1986 — Nos. 53 and 57.
 - Tobacco Act 1987 — No. 54.
 - Victims of Crime Commissioner Act 2015 — No. 66.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 58.
 - Water Act 1989 — Nos. 67, 74 and 75.
- Subordinate Legislation Act 1994 —
- Documents under section 15 —
 - Public Interest Determination of 7 July 2020, under section 42 of the Privacy and Data Protection Act 2014.
 - Rail Safety National Law National Regulations (Fees and Other Measures) Variation Regulations 2020 under section 12 of the Rail Safety National Law Application Act 2013.
 - Statutory Rule Nos. 31, 42, 48, 49, 52, 53, 55 to 75, 77 and 78.
 - Legislative instruments and related documents under Section 16B in respect of —
 - Complaint Handling Standards of 13 May 2020, under the Health Complaints Act 2016.
 - Conservation Area Declaration of 24 June 2020 and Levy Area Declaration of 25 June 2020, under the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020.
 - Conveyancers Professional Indemnity Insurance Order of 28 June 2020, under the Conveyancers Act 2006.
 - Electoral Structure Orders of 7 July 2020 for Bayside City Council, Boroondara City Council, Cardinia Shire Council, Darebin City Council, Dandenong City Council, Kingston City Council, Manningham City Council, Maroondah City Council,

Mitchell Shire Council, Murrindindi Shire Council and Whitehorse City Council, under the Local Government Act 2020.

Ministerial Order No. 1292 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees 2019-20 of 22 July 2020, under the Education and Training Reform Act 2006.

Ministerial Order No. 1294 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees 2019-20 of 22 July 2020, under the Education and Training Reform Act 2006.

PrimeSafe Determination of Licence Category and Fees for Vehicle-Based Meat Processing Facilities of 29 June 2020, under the Meat Industry Act 1993.

Victorian Building Authority's Code of Conduct for Building Surveyors of 25 June 2020, under the Building Act 1993.

Victoria Law Reform Commission — Report on Contempt of Court, February 2020 (*Ordered to be published*).

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Determination providing for the annual adjustment to the salaries and allowances provided to Members of the Parliament of Victoria, 29 June 2020, under section 26 of the Act.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Assisted Reproductive Treatment Amendment Act 2020 — Whole Act — 8 July 2020 (*Gazette No. S323, 30 June 2020*).

Building and Environment Protection Legislation Amendment Act 2020 — Part 2, sections 19, 22, 24, 25, 26, 27, 28, 29, 30, 36, 39, 41 and Part 5 — 28 July 2020 (*Gazette No. S375, 28 July 2020*).

Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 — Remaining Provisions — 1 July 2020 (*Gazette No. S328, 30 June 2020*).

Police Legislation Amendment (Road Safety Camera Commissioner and Other Matters) Act 2019 — Part 2 — 1 July 2020 (*Gazette No. S323, 30 June 2020*).

11 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL — The Clerk laid on the Table a letter from the Attorney-General, dated 21 July 2020, in response to the Resolution of the Council of 17 June 2020 relating to West Gate Tunnel Soil, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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

13 ADJOURNMENT — Mr Leane 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 3.09 p.m., adjourned until Tuesday, 18 August 2020.

ANDREW YOUNG
Clerk of the Legislative Council