



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 154 — Tuesday, 10 May 2022

*Proof Version*

1 The President took the Chair at 11.35 a.m., read the Prayer and made an Acknowledgement of Country.

2 **THE LATE HONOURABLE THOMAS CARTER REYNOLDS** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 26 March 2022, of the Honourable Thomas Carter Reynolds, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Gisborne from 1979 to 1999, and as Minister for Sport, Recreation and Racing from 1992 to 1996 and Minister for Rural Development and Minister for Sport from 1996 to 1999.

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

3 **THE LATE HONOURABLE RONALD WILLIAM “BUNNA” WALSH** — Ms Symes moved, That this House expresses its sincere sorrow at the death, on 30 March 2022, of the Honourable Ronald William “Bunna” Walsh and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Electoral Province of Melbourne West from May to October 1970 and Member of the Legislative Assembly for the Electoral District of Albert Park from 1979 to 1992, and as Minister for Public Works from 1985 to 1987, Minister Assisting the Minister for Employment and Industrial Affairs from 1985 to 1986, Minister Assisting the Minister for Labour from 1986 to 1987, Minister for Housing and Construction from 1987 to 1988, and from 1988 to 1990 as the Minister for Water Resources and Minister for Property and Services.

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

As a further mark of respect to the Honourable Thomas Reynolds and the Honourable Ronald Walsh, the sitting was suspended for one hour.

*[Sitting suspended from 12.02 p.m. until 1.09 p.m.]*

4 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 12 April 2022, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Public Health and Wellbeing Amendment Act 2022*

*Puffing Billy Railway Act 2022.*

5 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that she had received from Mr David Limbrick his written resignation as a Member of the Victorian Legislative Council on 11 April 2022.

The President further announced that he had received a letter from Mr Limbrick notifying of his intention to seek election in the Federal Parliament and that if he fails to secure that election he intends to again become the candidate for the vacant seat in the Legislative Council.

The President noted that, pursuant to section 62 of the *Electoral Act 2002*, a joint sitting to fill Mr Limbrick's vacancy must be delayed until the result of the Commonwealth election has been officially declared.

**6 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:

- **Duck shooting prosecutions** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 12 May 2022.
- **Melton Hospital construction** — substantive question asked by Dr Cumming — response from Ms Symes due Thursday, 12 May 2022.
- **Vaccine mandates for workers** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Thursday, 12 May 2022.

**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 of 15 September 2020.

**8 PETITIONS** —

**WITHDRAW THE HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021** — Mr Quilty presented a Petition bearing 3,398 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately withdraw the Health Legislation Amendment (Information Sharing) Bill 2021 until further consultation has occurred over how a consent process can be incorporated into the reform.

Ordered to lie on the Table.

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**SUSPEND THE KANGAROO HARVEST PROGRAM** — Dr Ratnam presented a Petition bearing 820 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to suspend the 2021 commercial Kangaroo Harvest Program, apply accurate methods for counting kangaroos, undertake and publish research into kangaroo populations and allegations of damage and abandon plans for all future commercial harvesting of macropods.

Ordered to lie on the Table.

**9 PAPERS** —

**UNIVERSITY OF DIVINITY REPORT, 2021** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2021.

Question — put and agreed to.

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

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 6 of 2022 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE EDUCATION AND PREVENTION FUNCTIONS OF VICTORIA'S INTEGRITY AGENCIES** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 19 April 2022, the Clerk laid on the Table the Integrity and Oversight Committee's Report on the Inquiry into the education and prevention functions of Victoria's integrity agencies (including Appendices).

Ms Shing presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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**REPORT TO PARLIAMENT ON THE EXTENSION OF THE PANDEMIC DECLARATION —**

Pursuant to section 165AG(5) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 19 April 2022, the Clerk laid on the Table a copy of the Report to Parliament on the extension of the pandemic declaration.

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**BUDGET PAPERS, 2022-23** — Pursuant to section 27E of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2022-23 —

- (a) Budget Paper No. 2 – Strategy and Outlook;
- (b) Budget Paper No. 3 – Service Delivery;
- (c) Budget Paper No. 5 – Statement of Finances (incorporating Quarterly Financial Report No. 3).

Ms Pulford moved, by leave, That there be laid before this House a copy of the 2022-23 —

- (a) Budget Paper No. 1 – Treasurer’s Speech;
- (b) Budget Paper No. 4 – State Capital Program;
- (c) Budget Overview;
- (d) Budget Information Paper – Suburban;
- (e) Budget Information Paper – Rural and Regional; and
- (f) Budget Information Paper – Gender Equality Budget Statement.

Question — put and agreed to.

The papers were presented by Ms Pulford and ordered to lie on the Table.

On the motion of Ms Pulford, the Budget Papers, 2022-23 were ordered to be taken into consideration on the next day of meeting.

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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:

Bendigo Kangan Institute — Report, 2021.

Box Hill Institute — Report, 2021.

Chisholm Institute — Report, 2021.

Crown Land (Reserves) Act 1978 — Minister’s Order of 30 September 2021 giving approval to the granting of a lease at Gillott Reserve.

Deakin University — Report, 2021.

Drugs, Poisons and Controlled Substances Act 1981 — Report under section 96 by the Chief Commissioner of Victoria Police for 2021.

Duties Act 2000 — Treasurer’s Report for 1 July 2021 to 31 December 2021 of Foreign Purchaser Additional Duty Exemptions, under section 3E(2) of the Act.

Federation University Australia — Report, 2021.

Financial Management Act 1994 —

Explanation from the Minister for Energy, Environment and Climate Change, under section 46(3)(a) of the Act, for the delay of the 2021 Reports of the —  
Falls Creek Alpine Resort Management Board.

Mount Buller and Mount Stirling Alpine Resort Management Board.

Mount Hotham Alpine Resort Management Board.

Southern Alpine Resort Management Board.

Explanation from the Minister for Higher Education, under section 46(3)(a) of the Act, for the delay of the 2021 Report of the University of Melbourne.

Gordon Institute of TAFE — Report, 2021.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2021.

Holmesglen Institute — Report, 2021.

La Trobe University — Report, 2021.

Melbourne Polytechnic — Report, 2021.

- Monash University — Report, 2021.
- Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Inquiry into Auditor-General's Report No. 202: Meeting Obligations to Protect Ramsar Wetlands (2016).
- Parliamentary Salaries, Allowances and Superannuation Act 1968 — Compliance Officer — Statement of Findings: Appeal of a decision to reject a claim under the Electorate Office and Communications Budget, under section 9H of the Act (*Ordered to be published*).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Ararat, Northern Grampians and Pyrenees Planning Schemes — Amendment GC200.
  - Banyule Planning Scheme — Amendments C160 and C164.
  - Boroondara Planning Scheme — Amendments C357, C362 and C375.
  - Darebin Planning Scheme — Amendment C207.
  - Greater Shepparton Planning Scheme — Amendment C235.
  - Hepburn Planning Scheme — Amendments C81 and C82.
  - Mansfield Planning Scheme — Amendment C45.
  - Maroondah Planning Scheme — Amendment C137.
  - Melbourne Planning Scheme — Amendment C424.
  - Monash Planning Scheme — Amendment C152.
  - Moonee Valley Planning Scheme — Amendment C209.
  - Moreland Planning Scheme — Amendment C215.
  - Nillumbik Planning Scheme — Amendment C141.
  - Port of Melbourne Planning Scheme — Amendment C4.
  - Towong Planning Scheme — Amendment C38.
  - Victoria Planning Provisions — Amendment VC210.
  - Warrnambool Planning Scheme — Amendment C204.
  - Wodonga Planning Scheme — Amendment C137.
- Royal Melbourne Institute of Technology (RMIT University) — Report, 2021.
- South West Institute of TAFE — Report, 2021.
- Statutory Rules under the following Acts of Parliament —
- Confiscation Act 1997 — No. 21.
  - City of Melbourne Act 2001 — Local Government Act 2020 — No. 24.
  - Magistrates' Court Act 1989 — No. 20.
  - Sex Work Act 1994 — Nos. 22 and 23.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in relation to an Order under the Occupational Health and Safety Act 2004 approving the Lead compliance code.
  - Documents under section 15 in respect of Statutory Rule Nos. 20, 22 and 23.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Amendments to the Environment Reference Standard made on 25 May 2021, of 29 March 2022 under the Environment Protection Act 2017.
    - Keno Harm Minimisation Direction of 13 April 2022 under section 6A.7.2 of the Gambling Regulation Act 2003.
    - Revised Victorian Gambling and Casino Control Commission Gaming Machine Rules (Casino) of 28 April 2022 under the Gaming Regulation Act 2003.
- Sunraysia Institute of TAFE — Report, 2021.
- Swinburne University of Technology — Report, 2021.
- TAFE Gippsland — Report, 2021.
- Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2021 period, under section 37D of the Act.
- Victoria University — Report, 2021.
- William Angliss Institute of TAFE — Report, 2021.
- Wodonga Institute of TAFE — Report, 2021.

**10 PRODUCTION OF DOCUMENTS — EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY CONSULTANCIES** — The Clerk laid on the Table a letter from the Acting Attorney-General, dated 21 April 2022 in response to the Resolution of the Council of 6 April 2022 (on the motion of Ms Crozier), relating to Emergency Services Telecommunications Authority consultancies, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

**11 BUSINESS OF THE COUNCIL** — Mr Barton moved, by leave, That precedence be given to the following General Business on Wednesday, 11 May 2022 —

- (1) Notice of motion No. 742, standing in the name of Mr Barton on the establishment of a Tribunal to oversee all non-employee transport work and workers;
- (2) the notice of motion given this day by Mr Davis calling on the Premier to stand aside from all official responsibilities;
- (3) the notice of motion given this day by Mr Davis on Victorian Building Authority fee increases;
- (4) the notice of motion given this day by Mr Davis on the production of documents relating to all correspondence between the Premier and Mr John Woodman and his employees and companies;
- (5) the notice of motion given this day by Mr Meddick on phasing out the use of 1080 poison; and
- (6) Order of the Day No. 49, resumption of debate on a motion for hybrid sittings.

Question — put and agreed to.

**12 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.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.

**14 TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time. Amendments proposed to be moved in Committee by Mr Davis (two sets) were circulated. On the motion of Ms Symes, the debate was adjourned until the next day of meeting.

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

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 5.17 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*