



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 88 — Thursday, 10 December 2020

Proof Version

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 967 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management and provide recommendations to the Government in a final report.

Ordered to lie on the Table.

* * * * *

VICTORIAN BUSH NURSING CENTRES — Ms Bath presented a Petition bearing 213 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to recognise the increase in operational costs and demands that Victoria's bush nursing centres constantly face and to immediately and properly resource bush nursing centres.

Ordered to lie on the Table.

3 **DRUGS AND CRIMINAL PROCEDURE LEGISLATION AMENDMENT (DIVERSION REFORM)**

BILL 2020 — Mr Limbrick introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 and the Criminal Procedure Act 2009 to provide for the use and possession of small quantities of drugs to be dealt with through diversion programs and for other purposes.*

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

4 **PAPERS —**

EMERGENCY MANAGEMENT VICTORIA — PARTNERSHIPS VICTORIA MOBILE DATA NETWORK CONTRACT EXTENSION — PROJECT SUMMARY — Ms Tierney moved, by leave, That there be laid before this House a copy of Emergency Management Victoria's Partnerships Victoria Mobile Data Network Contract Extension — Project Summary, December 2019.

Question — put and agreed to.

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

* * * * *

VICTORIA LAW FOUNDATION REPORT, 2019-20 — Ms Tierney moved, by leave, That there be laid before this House a copy of Victoria Law Foundation Report, 2019-20.

Question — put and agreed to.

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

VISIT VICTORIA REPORT, 2019-20 — Ms Pulford moved, by leave, That there be laid before this House a copy of Visit Victoria Limited Report, 2019-20.

Question — put and agreed to.

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

* * * * *

2019-20 SUSTAINABILITY FUND ACTIVITIES REPORT — Mr Leane moved, by leave, That there be laid before this House a copy of the 2019-20 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

* * * * *

INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE PERFORMANCE OF VICTORIAN INTEGRITY AGENCIES 2017/2018-2018/2019 — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Shing presented a Report from the Integrity and Oversight Committee on the Inquiry into the performance of Victorian integrity agencies 2017/2018-2018/2019 (including Appendix), and further 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.

* * * * *

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

Accident Compensation Conciliation Service — Report, 2019-20.

Administrator of National Health Funding Pool – Victoria State Pool Account — Report, 2019-20.

Adult Parole Board of Victoria — Report, 2019-20.

Agriculture Victoria Services Pty Ltd — Report, 2019-20.

Albury Wodonga Health — Report, 2019-20.

Alexandra Health Service — Report, 2019-20.

Alfred Health — Report, 2019-20.

Alpine Health — Report, 2019-20.

Alpine Resorts Co-ordinating Council — Report, 2019-20.

Ambulance Victoria — Report, 2019-20.

Architects Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.

Austin Health — Report, 2019-20.

Australian Grand Prix Corporation — Report, 2019-20.

Australian Health Practitioner Regulation Agency — Report, 2019-20.

Bairnsdale Regional Health Service — Report, 2019-20.

Ballarat General Cemeteries Trust — Report, 2019-20.

Ballarat Health Services — Report, 2019-20.

Barwon Health — Report, 2019-20.

Barwon Region Water Corporation — Report, 2019-20.

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.

Bass Coast Health — Report, 2019-20.

Beaufort and Sipton Health Service — Report, 2019-20.

Beechworth Health Service — Report, 2019-20.

Benalla Health — Report, 2019-20.

Bendigo Cemeteries Trust — Minister's report of receipt of the 2019-20 report.

Bendigo Health — Report, 2019-20.

Boort District Health — Report, 2019-20.

Calvary Health Care Bethlehem Limited — Report, 2019-20.

Casterton Memorial Hospital — Report, 2019-20.

Castlemaine Health — Report, 2019-20.

Central Gippsland Health Service — Report, 2019-20.
Central Gippsland Region Water Corporation — Report, 2019-20.
Central Highlands Region Water Corporation — Report, 2019-20.
Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2018, under section 52 of the Act.
Cohuna District Hospital — Report, 2019-20.
Colac Area Health — Report, 2019-20.
Coliban Region Water Corporation — Report, 2019-20.
Commercial Passenger Vehicle Commission — Report, 2019-20.
Commission for Children and Young People — Report, 2019-20 (*Ordered to be published*).
Commissioner for Environmental Sustainability Act 2003 —
 Victorian Government response to the State of the Environment 2018 report.
 Victorian Government response to the State of the Yarra and its Parklands 2018 report.
Commissioner for Environmental Sustainability Victoria — Minister's report of receipt of the 2019-20 report.
Confiscation Act 1997 — Asset Confiscation Operations Report, 2019-20.
Consumer Affairs Victoria — Report, 2019-20 (*Ordered to be published*).
Consumer Policy Research Centre — Report, 2019-20.
Corangamite Catchment Management Authority — Report, 2019-20.
Coronial Council of Victoria — Report, 2019-20.
Corryong Health — Report, 2019-20.
Country Fire Authority (CFA) — Report, 2019-20.
Crimes (Assumed Identities) Act 2004 — Report, 2019-20, under section 31 by the Australian Criminal Intelligence Commission.
Dairy Food Safety Victoria — Report, 2019-20.
Dental Health Services Victoria — Report, 2019-20.
Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2019-20 report.
Disability Services Commissioner — Report, 2019-20.
Djerriwarrh Health Services — Report, 2019-20.
East Gippsland Catchment Management Authority — Report, 2019-20.
East Gippsland Region Water Corporation — Report, 2019-20.
East Grampians Health Service — Report, 2019-20.
East Wimmera Health Service — Report, 2019-20.
Echuca Regional Health — Report, 2019-20.
Edenhope and District Memorial Hospital — Report, 2019-20.
Emerald Tourist Railway Board — Report, 2019-20.
Emergency Services Telecommunications Authority (ESTA) — Report, 2019-20.
Energy Safe Victoria — Report, 2019-20.
Environment Protection Authority (EPA) — Report, 2019-20.
Essential Services Commission — Report, 2019-20.
Fed Square Pty Ltd — Report, 2019-20.
Forensic Leave Panel — Report, 2019-20.
Game Management Authority — Report, 2019-20.
Geelong Cemeteries Trust — Report, 2019-20.
Geelong Performing Arts Centre Trust — Report, 2019-20.
Geoffrey Gardiner Dairy Foundation Limited — Report, 2019-20.
Gippsland and Southern Rural Water Corporation — Report, 2019-20.
Gippsland Southern Health Service — Report, 2019-20.
Glenelg Hopkins Catchment Management Authority — Report, 2019-20.
Goulburn Broken Catchment Management Authority — Report, 2019-20.
Goulburn Valley Health (GV Health) — Report, 2019-20.
Goulburn Valley Region Water Corporation — Report, 2019-20.
Grampians Wimmera Mallee Water Corporation (GWM Water) — Report, 2019-20.
Great Ocean Road Health — Report, 2019-20.
Greater Metropolitan Cemeteries Trust — Report, 2019-20.
Greyhound Racing Victoria — Report, 2019-20.

Harness Racing Victoria — Report, 2019-20.
Health Complaints Commissioner — Report, 2019-20.
Health Purchasing Victoria — Report, 2019-20.
Heathcote Health — Report, 2019-20.
Heritage Council of Victoria — Minister's report of receipt of the 2019-20 report.
Hesse Rural Health Service — Report, 2019-20.
Heywood Rural Health Service — Report, 2019-20.
Infrastructure Victoria — Report, 2019-20.
Inglewood and Districts Health Service — Report, 2019-20.
Kardinia Park Stadium Trust — Report, 2019-20.
Kerang District Health — Report, 2019-20.
Kooweerup Regional Health Service — Report, 2019-20.
Kyabram District Health Service — Report, 2019-20.
Labour Hire Licensing Authority — Report, 2019-20.
Latrobe Regional Hospital — Report, 2019-20.
Latrobe Valley Mine Rehabilitation Commissioner — Report, 2019-20.
Legal Practitioners' Liability Committee — Report, 2019-20.
Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2019-20.
Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.
Lower Murray Urban and Rural Water Corporation — Report, 2019-20.
Maldon Hospital — Report, 2019-20.
Mallee Catchment Management Authority — Report, 2019-20.
Mallee Track Health and Community Service — Report, 2019-20.
Mansfield District Hospital — Report, 2019-20.
Maryborough District Health Service — Report, 2019-20.
Melbourne and Olympic Parks Trust — Report, 2019-20.
Melbourne Convention and Exhibition Trust — Report, 2019-20.
Melbourne Market Authority — Report, 2019-20.
Mental Health Complaints Commissioner — Report, 2019-20.
Mental Health Tribunal — Report, 2019-20.
Mercy Hospitals Victoria Ltd — Report, 2019-20.
Metropolitan Fire and Emergency Services Board (MFB) — Report, 2019-20.
Mildura Cemetery Trust — Minister's report of receipt of the 2019-20 report.
Moyné Health Services — Report, 2019-20.
Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2019-20 report.
National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2019-20.
Nathalia Cobram Numurkah (NCN) Health — Report, 2019-20.
North Central Catchment Management Authority — Report, 2019-20.
North East Catchment Management Authority — Report, 2019-20.
North East Region Water Corporation — Report, 2019-20.
North East Waste and Resource Recovery Group — Minister's report of receipt of the 2019-20 report.
Northeast Health Wangaratta — Report, 2019-20.
Northern Health — Report, 2019-20.
Office of the National Rail Safety Regulator — Report, 2019-20.
Office of the Public Advocate — Report, 2019-20 (*Ordered to be published*).
Omeo District Health — Report, 2019-20.
Orbost Regional Health — Report, 2019-20.
Parks Victoria — Report, 2019-20.
Peninsula Health — Report, 2019-20.
Peter MacCallum Cancer Centre — Report, 2019-20.
Phillip Island Nature Parks — Report, 2019-20.
Phytogene Pty Ltd — Minister's report of receipt of the 2019-20 report.

Port Phillip and Westernport Catchment Management Authority — Report, 2019-20.
Portland District Health — Report, 2019-20.
Post Sentence Authority — Report, 2019-20.
PrimeSafe — Report, 2019-20.
Public Interest Monitor — Report, 2019-20.
Queen Elizabeth Centre — Report, 2019-20.
Residential Tenancies Bond Authority — Report, 2019-20.
Robinvale District Health Service — Report, 2019-20.
Rochester and Elmore District Health Service — Report, 2019-20.
Royal Botanic Gardens Board Victoria — Report, 2019-20.
Royal Victorian Eye and Ear Hospital — Report, 2019-20.
Royal Women's Hospital — Report, 2019-20.
Rural Northwest Health — Report, 2019-20.
Seymour Health — Report, 2019-20.
South Gippsland Hospital — Report, 2019-20.
South Gippsland Region Water Corporation — Report, 2019-20.
South West Healthcare — Report, 2019-20.
Southern Metropolitan Cemeteries Trust — Report, 2019-20.
St Vincent's Hospital (Melbourne) Limited — Report, 2019-20.
State Electricity Commission of Victoria — Report, 2019-20.
State Sport Centres Trust — Report, 2019-20.
State Trustees Limited — Report, 2019-20.
Surveillance Devices Act 1999 — Report, 2019-20 by the Independent Broad-based
Anti-corruption Commission, under section 30L of the Act.
Stawell Regional Health — Report, 2019-20.
Surveyors Registration Board of Victoria — Minister's report of receipt of the 2019-20 report.
Sustainability Victoria — Report, 2019-20.
Swan Hill District Health — Report, 2019-20.
Tallangatta Health Service — Report, 2019-20.
Terang and Mortlake Health Service — Report, 2019-20.
Terrorism (Community Protection) Act 2003 — Review of the Terrorism (Community
Protection) Act 2003 — Stage One Report, December 2020, under section 38 of the Act.
The Kilmore and District Hospital — Report, 2019-20.
Timboon and District Health Care Service — Report, 2019-20.
Tweddle Child and Family Health Service — Report, 2019-20.
V/Line Corporation — Report, 2019-20.
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the
2019-20 report.
VicForests — Report, 2019-20.
Victims of Crime Assistance Tribunal — Report, 2019-20.
Victims of Crime Commissioner — Report, 2019-20.
Victoria Legal Aid — Report, 2019-20.
Victoria State Emergency Service Authority — Report, 2019-20.
Victoria's Mental Health Services — Report, 2019-20, under section 118 of the Mental Health
Act 2014.
Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of the
2019-20 report.
Victorian Building Authority — Report, 2019-20.
Victorian Environmental Assessment Council — Report, 2019-20.
Victorian Environmental Water Holder — Report, 2019-20.
Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to
be published*).
Victorian Funds Management Corporation — Report, 2019-20.
Victorian Health Promotion Foundation — Report, 2019-20.

- Victorian Inspectorate — Report 1 January to 30 June 2020, under section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.
- Victorian Institute of Forensic Medicine — Report, 2019-20.
- Victorian Institute of Forensic Mental Health — Report, 2019-20.
- Victorian Legal Services Board and the Legal Services Commissioner — Report, 2019-20 (*Ordered to be published*).
- Victorian Marine and Coastal Council — Report, 2019-20.
- Victorian Pharmacy Authority — Report, 2019-20.
- Victorian Planning Authority — Report, 2019-20.
- Victorian Plantations Corporation — Report, 2019-20.
- Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2019-20 report.
- VITS LanguageLoop — Report, 2019-20.
- Wannon Region Water Corporation — Report, 2019-20.
- West Gippsland Catchment Management Authority — Report, 2019-20.
- West Gippsland Healthcare Group — Report, 2019-20.
- West Wimmera Health Service — Report, 2019-20.
- Western District Health Service — Report, 2019-20.
- Western Health — Report, 2019-20.
- Western Region Water Corporation — Report, 2019-20.
- Westernport Region Water Corporation — Report, 2019-20.
- Wimmera Catchment Management Authority — Report, 2019-20.
- Wimmera Health Care Group — Report, 2019-20.
- Witness Protection Act 1991 — Report, 2019-20, under section 20R by Victoria Police.
- Yarram and District Health Service — Report, 2019-20.
- Yarrawonga Health — Report, 2019-20.
- Yea and District Memorial Hospital — Report, 2019-20.
- Youth Parole Board — Report, 2019-20.
- Zoological Parks and Gardens Board — Report, 2019-20.

- 5 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 February 2021, at a time to be determined by the President, or an earlier or later day and hour to be fixed by the President, and the President will notify Members of any changes to the next sitting date.
- Question — put and agreed to.
- 6 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That —
- (1) Mr Limbrick be discharged from the Standing Committee on the Environment and Planning; and
 - (2) Dr Cumming be a member of the Standing Committee on the Environment and Planning.
- Question — put and agreed to.
- 7 COGNATE DEBATE — APPROPRIATION (2020-2021) BILL 2020 AND BUDGET PAPERS, 2020-21** — Ms Symes moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2020-2021) Bill 2020 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2020-21, contingent on such a motion being moved.
- Question — put and agreed to.
- 8 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.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447, be postponed until later this day.
- 10 APPROPRIATION (2020-2021) BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.

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

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

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Fire services management** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 14 December 2020.
- **Bush fire risk management** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 14 December 2020.
- **Imprisonment rates** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Monday, 14 December 2020.
- **Clarinda concrete crusher facility** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 14 December 2020.
- **Free kindergartens** — substantive question asked by Dr Bach — response from Ms Stitt due Monday, 14 December 2020.

- 12 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.

- 13 APPROPRIATION (2020-2021) BILL 2020** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

Bill 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.

- 14 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to prohibit change or suppression practices, to amend certain definitions in the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

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

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

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 15 ADJOURNMENT** — Ms Stitt 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 7.46 p.m., adjourned until Tuesday, 2 February 2021.

ANDREW YOUNG
Clerk of the Legislative Council