



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
No. 112 — Thursday, 24 June 2021
Proof Version

1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PAPERS —**

CLOSING THE GAP JURISDICTIONAL IMPLEMENTATION PLAN, 2011-2023 — Mr Leane moved, by leave, That there be laid before this House a copy of the Closing the Gap Jurisdictional Implementation Plan, 2011-2023.

Question — put and agreed to.

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

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VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT, 2020 — Mr Leane moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2020.

Question — put and agreed to.

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

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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:

Auditor-General's Reports on —

Clinical Governance: Health Services, June 2021 (*Ordered to be published*).

Delivering the Solar Homes Program, June 2021 (*Ordered to be published*).

Results of 2020 Audits: Technical and Further Education Institutes, June 2021 (*Ordered to be published*).

Results of 2020 Audits: Universities, June 2021 (*Ordered to be published*).

Commission for Children and Young People — Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care (*Ordered to be published*).

Multicultural Victoria Act 2011 — Victorian Government report on multicultural affairs, 2019-20.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 61.

Victorian Environmental Assessment Council Act 2001 — Victorian Government Response to the Victorian Environmental Assessment Council's Central West Investigation Final Report.

PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Education and Training Reform Amendment (Miscellaneous) Act 2021 — Remaining Provisions — 1 July 2021 (*Gazette No. S321, 22 June 2021*).

- 3 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — The Clerk laid on the Table a letter from the Attorney-General, dated 23 June 2021, in response to the Resolution of the Council of 3 February 2021 (on the motion of Mr Barton), and further to the Government's initial response of 2 March 2021, relating to the Multi Purpose Taxi Program trial, identifying 103 documents within the scope of the order and claiming Executive privilege over 27 documents in full and 11 documents in part.

The Clerk further laid on the Table 65 documents in full and 11 documents in part, together with schedules of the identified documents.

- 4 SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 3 August 2021.

Question — put and agreed to.

- 5 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation on 25 June 2021:

1. Responses to matters raised on the Daily Adjournment Debate

Standing Order 4.13 is suspended and replaced with the following:

- (1) The Minister the matter was directed to may dispose of the matter verbally at the end of the Daily Adjournment Debate.
- (2) Any matter that is not disposed of at the time must be responded to in writing within 30 days.
- (3) The Minister must lodge a written response with the Clerk. The Clerk must give the response to the Member who raised the matter and publish the response.

2. Answers to questions on notice

Standing Order 8.12 and Sessional Order 15 are suspended and replaced with the following:

An answer to a question on notice must be lodged with the Clerk. The Clerk must give the response to the Member who asked the question and publish the response.

3. Answers to constituency questions

Standing Order 8.08(5) is suspended and replaced with the following:

- (5) A copy of the answer will be given to the Member who asked the question and published.

4. Written responses to questions without notice

Standing Order 8.07(5) and Sessional Order 14 (Part 2) are suspended and replaced with the following:

- (5) A copy of any response provided under this Standing Order will be given to the Member who asked the question and published.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

7 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

8 CHILD WELLBEING AND SAFETY (CHILD SAFE STANDARDS COMPLIANCE AND ENFORCEMENT) AMENDMENT BILL 2021 — 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 —

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

EVENTS INDUSTRY SUPPORT PACKAGE — Ms Pulford having given answers to a question without notice and supplementary question relating to events industry support package —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice and Ministers' Statements continued.

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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:

- **Mental health hub in the CBD** — substantive question asked by Ms Crozier — response from Ms Symes due Monday, 28 June 2021.
- **Youth justice centres – staff safety** — supplementary question asked by Ms Maxwell — response from Ms Stitt due Friday, 25 June 2021.

10 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

11 CHILD WELLBEING AND SAFETY (CHILD SAFE STANDARDS COMPLIANCE AND ENFORCEMENT) AMENDMENT BILL 2021 — 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, 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 MUTUAL RECOGNITION (VICTORIA) AMENDMENT BILL 2021 — 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.

13 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021 —

The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —

Mr Rich-Phillips (for Mr Davis) moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Road Safety Act 1986* to make provision in relation to the setting of a 120 kilometre per hour speed-limit on certain lengths of road forming part of specified freeways and highways.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

Ms Pulford moved, That the meal break scheduled for this day, pursuant to Sessional Order 1, be suspended.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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, 3

Dr Cumming; 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 further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Pulford 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, 36

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; 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 with amendments.

- 14 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to establish the Victorian Academy of Teaching and Leadership 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 Dr Bach), the debate was adjourned for one week.

- 15 ENERGY LEGISLATION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the Gas Industry Act 2001, the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and the Victorian Energy Efficiency Target Act 2007 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 Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER ACTS AMENDMENT (FEDERAL JURISDICTION AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to federal subject matter and to consequentially amend the Magistrates' Court Act 1989 and other Acts, to amend the County Court Act 1958 and the Judicial Entitlements Act 2015 to create the office of Deputy Chief Judge of the County Court, to amend the Public Prosecutions Act 1994 in relation to the appointment of an acting Chief Crown Prosecutor 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, 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 O'Donohue), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Ms Symes 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 7.59 p.m., adjourned until Tuesday, 3 August 2021.

ANDREW YOUNG
Clerk of the Legislative Council