



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 102 — Tuesday, 4 May 2021

Proof Version

- 1 The President took the Chair at 11.04 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Mrs McArthur, resigning from the Scrutiny of Acts and Regulations Committee, pursuant to section 21 of the *Parliamentary Committees Act 2003*, effective from Monday, 3 May 2021.
- 3 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE MEMBERSHIP** — The President read a letter from Ms Bridget Vallence, the Member for Evelyn in the other place, resigning from the Public Accounts and Estimates Committee, pursuant to section 21 of the *Parliamentary Committees Act 2003*, effective from Tuesday, 4 May 2021.
- 4 **RESCIND TEMPORARY ORDERS** — Ms Symes moved, by leave, That —
 - (1) the Temporary Orders agreed to by the House on 15 September 2020 relating to the definition of the Chamber, discretion in ringing the bells to form a quorum and incorporation of business and speeches for bills in Hansard, be rescinded, effective immediately; and
 - (2) the Temporary Order agreed to by the House on 2 February 2021 relating to the days and hours of meeting be amended to allow the meeting of the Council on a Tuesday to commence at 11.30 a.m.

Debate ensued.

Question — put and agreed to.

- 5 **ADDRESS TO HER MAJESTY THE QUEEN — HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH** — Ms Symes moved, by leave, That —
 - (1) the following resolution be agreed to by this House:

Her Majesty the Queen:

We, the Legislative Council of Victoria, in Parliament assembled, express our sympathy with Your Majesty and members of the Royal Family, in your sorrow at the death of His Royal Highness The Duke of Edinburgh. We acknowledge and pay tribute to his many years of service, and his devoted support of his family.
 - (2) the following Address to the Governor be agreed to by this House:

Governor:

We, the Members of the Legislative Council of Victoria, in Parliament assembled, respectfully request that you communicate the accompanying resolution to Her Majesty the Queen.

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

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

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:

- **Game Management Authority – duck hunting recommendations** — substantive question asked by Mr Meddick — response from Ms Tierney due Thursday, 6 May 2021.
- **Term of Family Violence Monitor** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Stitt due Thursday, 6 May 2021.
- **Belt and Road Initiative Agreement** — substantive and supplementary questions asked by Mr Davis — response from Ms Symes due Thursday, 6 May 2021.
- **Council planning applications** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Thursday, 6 May 2021.

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

8 PETITIONS —

FUNDING TO FIX THE BOX HILL INTERCHANGE — Dr Bach presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to commit to allocating the funding required to fix and upgrade the Box Hill Transit Interchange and provide plans and dates on when and how this will occur.

Ordered to lie on the Table.

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

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CEASE BILLS STREET DEVELOPMENT IN HAWTHORN — Ms Crozier presented a Petition bearing 178 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop the fast-tracked development of over 200 dwellings on Bills Street in Hawthorn and urgently undertake comprehensive consultation with the local community.

Ordered to lie on the Table.

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

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POLICE STATION FOR WYNDHAM VALE AND MANOR LAKES — Dr Cumming presented a Petition bearing 1,227 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Police and Emergency Services, the Premier and the Chief Commissioner of Police to facilitate the build of a police station in the areas of Wyndham Vale and Manor Lakes.

Ordered to lie on the Table.

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

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ABOLISH SUPPRESSION ORDERS — Mr Grimley presented a Petition bearing 117 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abolish suppression orders entirely.

Ordered to lie on the Table.

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

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BAN FACTORY FARMS — Mr Meddick presented a Petition bearing 1,314 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to

introduce and pass legislation to allow for a state-wide plebiscite on the issue of factory farming, so Victorians can vote against factory farming and avoid another zoonotic disease outbreak.

Ordered to lie on the Table.

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

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REJECT WASTE-TO-ENERGY PLANTS — Dr Ratnam presented a Petition bearing 757 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject all active waste-to-energy applications and instead add and promote recycling programs, similar to Wangaratta where there has been great success with minimal contamination, and develop government, business and community recycling partnerships.

Ordered to lie on the Table.

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

9 VOLUNTARY ASSISTED DYING AMENDMENT (TELEHEALTH AND OTHER MATTERS) BILL 2021 — Mr Grimley introduced *A Bill for an Act to amend the Voluntary Assisted Dying Act 2017 to permit certain matters to be dealt with by means of audio visual communication 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 —

UNIVERSITY OF DIVINITY, 2020 REPORT — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2020.

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. 5 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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IBAC — SPECIAL REPORT ON OPERATION MEROO: AN INVESTIGATION INTO ALLEGED CORRUPT CONDUCT BY A FORMER CEO OF A VICTORIAN REGIONAL HEALTH SERVICE — 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 Meroo: An investigation into alleged corrupt conduct by a former CEO of a Victorian regional health service, April 2021.

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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, 2020.

Box Hill Institute — Report, 2020.

Chisholm Institute — Report, 2020.

Deakin University — Report, 2020.

Federation University Australia — Report, 2020.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2020.

Holmesglen Institute — Report, 2020.

La Trobe University — Report, 2020.

Melbourne Polytechnic — Report, 2020.

Monash University — Report, 2020.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Melbourne Planning Scheme — Amendment C378.

Victoria Planning Provisions — Amendment VC185.
 Royal Melbourne Institute of Technology (RMIT University) — Report, 2020.
 South West Institute of TAFE — Report, 2020.
 Statutory Rules under the following Acts of Parliament —
 Disability Service Safeguards Act 2018 — No. 40.
 Evidence (Miscellaneous Provisions) Act 1958 — No. 39.
 Magistrates' Court Act 1989 — No. 41.
 Subordinate Legislation Act 1994 —
 Documents under section 15 in respect of Statutory Rule No. 41.
 Legislative instrument and related documents under section 16B in respect of an Order to
 declare a class of entities as specified entities of 10 April 2021 under the Financial
 Management Act 1994.
 Sunraysia Institute of TAFE — Report, 2020.
 Swinburne University of Technology — Report, 2020.
 TAFE Gippsland — Report, 2020.
 The Gordon Institute of TAFE (GOTEC Limited) — Report, 2020.
 The University of Melbourne — Report, 2020.
 Victoria University — Report, 2020.
 William Angliss Institute of TAFE — Report, 2020.
 Wodonga Institute of TAFE — Report, 2020.

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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:

Parks and Crown Land Legislation Amendment Act 2020 — Remaining provisions of Parts 3, 6 and 7 and Part 10 — 1 May 2021 (*Gazette No. S189, 27 April 2021*).

11 PRODUCTION OF DOCUMENTS — DECISION TO IMPOSE A COVID-19 CURFEW —

The Clerk laid on the Table a letter from the Attorney-General, dated 3 May 2021, in response to the Resolution of the Council of 16 September 2020 (on the motion of Mr Davis) and further to the Government's initial response of 18 September 2020, relating to the decision to impose a COVID-19 curfew, identifying 11 documents within the scope of the order, claiming Executive privilege over six documents in full and providing five documents, together with schedules of the identified documents.

12 PRODUCTION OF DOCUMENTS — 2021 DUCK HUNTING SEASON —

The Clerk laid on the Table a letter from the Attorney-General, dated 26 April 2021, in response to the Resolution of the Council of 17 March 2021 (on the motion of Mr Bourman), relating to the 2021 Duck Hunting Season, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

13 BUSINESS OF THE COUNCIL — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 5 May 2021 —

- (1) Order of the Day No. 2, second reading of the Emergency Powers Safeguards Legislation Amendment Bill 2021;
- (2) Notice of Motion No. 533 standing in the name of Ms Lovell on the production of documents relating to a review of discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;
- (3) Order of the Day No. 52, resumption of debate on the motion calling for the production of documents relating to advice received by the Minister for Transport Infrastructure on CRRC Changchun Railway Vehicles Company Limited;
- (4) the notice of motion given this day by Mr Quilty on payroll tax;
- (5) the notice of motion given this day by Dr Ratnam on group voting tickets;
- (6) the notice of motion given this day by Dr Ratnam on implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody; and
- (7) Notice of Motion No. 474 standing in the name of Ms Patten on implementing petition reform.

Question — put and agreed to.

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

15 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447, be postponed until later this day.

16 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (ARBITRATION) 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 committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

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

Mr Rich-Phillips moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill not be read a third time until a statement under section 85(5) of the *Constitution Act 1975* explaining how the Bill limits the jurisdiction of the Supreme Court as proposed by clause 35, which proposes to insert a new section 301Z into the Principal Act, has been made.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put and negatived.

Question — That the Bill be now read a third time and do pass — put and 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 without amendment.

17 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 5.39 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council