



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 101

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### No. 101 — Thursday, 29 April 2021

- 1 The Council met in Bright pursuant to the Proclamation of the Governor of 20 April 2021, and to the terms of the Resolution of the Legislative Council of 17 March 2021.  
The President took the Chair at 9.37 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Ninth Parliament was read by the Clerk and is as follows:

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#### CONSTITUTION ACT 1975

#### PROCLAMATION

I, Linda Dessau AC, Governor of Victoria, acting under section 8 of the **Constitution Act 1975** and all other powers vested in me:

- (i) vary and alter the place for the despatch of business of the Legislative Council on 29 April 2021 and fix The Pavilion Pioneer Park, Bright, situated at 55–71 Coronation Avenue, Bright, as the place for the despatch of business of the Legislative Council on 29 April 2021 until the completion of business agreed to occur at The Pavilion Pioneer Park by the resolution of the Legislative Council on 17 March 2021; and
- (ii) confirm that once the Legislative Council has completed the business agreed to occur at The Pavilion Pioneer Park by the resolution of the Legislative Council on 17 March 2021, the despatch of business of the Legislative Council shall thereafter revert to Parliament House, Melbourne.

Given under my hand and the seal of Victoria at Melbourne, this 20<sup>th</sup> day of April 2021.

(L.S.)

LINDA DESSAU  
The Honourable Linda Dessau AC  
Governor  
By Her Excellency's Command  
THE HONOURABLE JAMES MERLINO MP  
Acting Premier of Victoria

- 3 **DEATH OF HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH** — The President advised the House of the death on 9 April 2021 of His Royal Highness The Duke of Edinburgh.  
Members stood in their places as a mark of respect to the memory of the late His Royal Highness The Duke of Edinburgh.

- 4 ANNIVERSARY OF THE DEATH OF FOUR VICTORIAN POLICE OFFICERS** — The President acknowledged the first anniversary of the tragic deaths on 22 April 2020 of Leading Senior Constable Lynette Taylor, Senior Constable Kevin King, Constable Glen Humphris and Constable Joshua Prestney.

Members stood in their places as a mark of respect to the memory of the late Leading Senior Constable Lynette Taylor, Senior Constable Kevin King, Constable Glen Humphris and Constable Joshua Prestney.

- 5 ADDRESS BY THE MAYOR OF THE ALPINE SHIRE COUNCIL** — Pursuant to an Order of the Council of 17 March 2021, the President invited Councillor John Forsyth, Mayor of Alpine Shire Council, to attend on the floor of the Chamber and address the House.

Accordingly, Councillor John Forsyth, Mayor of Alpine Shire Council, was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

- 6 ADDRESS BY MS CLAIRE LOCK** — Ms Symes moved, by leave, That this House invites Claire Lock, a student at Bright P-12, to attend on the floor of the Chamber today, to address the House.

Question — put and agreed to.

The President invited Ms Claire Lock to attend on the floor of the Chamber and address the House.

Accordingly, Ms Claire Lock was escorted into the Chamber by the Usher of the Black Rod and addressed the House.

- 7 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 23 March 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —

*Education and Training Reform Amendment (Miscellaneous) Act 2021*

*Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021*

*Planning and Environment Amendment Act 2021.*

The President read a Message from the Governor informing the Council that she had, on 30 March 2021, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —

*Spent Convictions Act 2021.*

- 8 PETITIONS** —

**ALTERNATIVE TRAIN STABLING LOCATION IN MELBOURNE'S SOUTH-EAST** — Mr Davis presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to recommit to the full and permanent protection of the Green Wedge, retain Kingston City Council's 'Chain of Parks', create the planned regional sporting facilities and conduct a transparent investigation into alternative train stabling locations in Melbourne's south-east.

Ordered to lie on the Table.

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**BUS ROUTE ON DOHERTYS ROAD, TRUGANINA** — Mr Finn presented a Petition bearing 340 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Public Transport Victoria to introduce a new bus route or alter an existing bus route along Dohertys Road, Truganina to provide service to Albright, Ellarook, Westbrook, Element and Rothwell estates.

Ordered to lie on the Table.

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

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**INQUIRY INTO DRUG DRIVING REFORM** — Mr Limbrick presented a Petition bearing 961 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to give consideration to Recommendation 24 of the Law Reform, Road and Community Safety Committee's Inquiry into drug law reform and refer the matter to the Legal

and Social Issues Committee for inquiry into alternative drug driving regimes and changes that address the concerns of medical cannabis patients.

Ordered to lie on the Table.

## 9 PAPERS —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Pursuant to a resolution of the Council of 18 February 2021, and following the transmission of the report on 25 March 2021, the Clerk laid on the Table a copy of the Economy and Infrastructure Committee's Report on the Inquiry into the increase in Victoria's road toll (including Appendices, Extract of Proceedings and a Minority Report).

Mr Erdogan presented Transcripts of Evidence.

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

Mr Erdogan 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 — 2020-21 BUDGET ESTIMATES** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the transmission of the report on 1 April 2021, the Clerk laid on the Table a copy of the Public Accounts and Estimates Committee's Report on the 2020-21 Budget Estimates (including Appendices, Extracts of Proceedings and a Minority Report).

Ms Taylor presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — ANNUAL PLAN 2020/21** — Pursuant to section 169(4)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011*, and following the transmission of the report on 12 April 2021, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Annual Plan 2020/21.

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**REPORT TO PARLIAMENT ON THE STATE OF EMERGENCY** — Pursuant to section 198(8B)(b) of the *Public Health and Wellbeing Act 2008*, and following the transmission of the report on 14 April 2021, the Clerk laid on the Table a copy of the 13<sup>th</sup> Report to Parliament on the Extension of the Declaration of the State of Emergency.

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**OMBUDSMAN — INVESTIGATION INTO THE DEPARTMENT OF JOBS, PRECINCTS AND REGIONS' ADMINISTRATION OF THE BUSINESS SUPPORT FUND** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, and following the transmission of the report on 27 April 2021, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund, 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:

Crown Land (Reserves) Act 1978 — Minister's Order of 3 March 2021 giving approval to the granting of a licence at University Square Reserve.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 30 March 2021 to not require the service of a notice of intention to acquire land, under section 7(1)(c) of the Act.

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

- Ballarat Planning Scheme — Amendment C228.
- Brimbank Planning Scheme — Amendment C200 (Part 2).
- Casey Planning Scheme — Amendments C230 and C279.
- Central Goldfields Planning Scheme — Amendment C36.
- Glen Eira Planning Scheme — Amendment C155.
- Golden Plains Planning Scheme — Amendment C87.
- Greater Dandenong Planning Scheme — Amendment C203.
- Hepburn Planning Scheme — Amendment C85.
- Hume Planning Scheme — Amendments C248 and C254.
- Latrobe Planning Scheme — Amendment C124.
- Melbourne Planning Scheme — Amendment C305.
- Melton Planning Scheme — Amendments C190 and C227.
- Mildura Planning Scheme — Amendments C108 and C109.
- Moreland Planning Scheme — Amendments C203 and C210.
- Port Phillip Planning Scheme — Amendments C161 (Part 1), C177, C186 and C200.
- Victoria Planning Provisions — Amendments VC194 and VC197.
- Wellington Planning Scheme — Amendment C111.

Public Health and Wellbeing Act 2008 — 10<sup>th</sup> Report to Parliament on the State of Emergency, under section 198(8A) of the Act (*in lieu of that tabled on 3 February 2021*).

Statutory Rules under the following Acts of Parliament —

- Children, Youth and Families Act 2005 — No. 22.
- Child Wellbeing and Safety Act 2005 — No. 30.
- City of Melbourne Act 2001 — Local Government Act 2020 — No. 34.
- Conservation, Forests and Lands Act 1987 — No. 32.
- Country Court Act 1958 — No. 28.
- COVID-19 Omnibus (Emergency Measures) Act 2020 — No. 19.
- Dangerous Goods Act 1985 — No. 27.
- Education and Training Reform Act 2006 — Nos. 24 and 25.
- Electronic Transactions (Victoria) Act 2000 — No. 38.
- First Home Owner Grant Act 2000 — No. 31.
- Local Government Act 2020 — No. 33.
- Magistrates' Court Act 1989 — No. 23.
- Powers of Attorney Act 2014 — No. 37.
- Public Health and Wellbeing Act 2008 — No. 15.
- Public Interest Monitor Act 2011 — No. 29.
- Residential Tenancies Act 1997 — Nos. 20 and 21.
- Road Safety Road Act 1986 — Nos. 35 and 36.
- Service Victoria Act 2018 — No. 26.
- Supreme Court Act 1986 — Nos. 16 and 17.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 18.

Subordinate Legislation —

Documents under section 15 in respect of Statutory Rule Nos. 15 to 26, 28 to 31 and 33 to 38.

Legislative instrument and related documents under section 16B in respect of Notice under section 96A - Suspension of regulation 13(1)(a) of the Road Safety (Drivers) Regulations 2019 of 14 April 2021, under the Road Safety Act 1986.

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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:

Education and Training Reform Amendment (Regulation of Student Accommodation) Act 2020 — Remaining Provisions — 18 June 2021 (*Gazette No. S152, 30 March 2021*).

Environment Protection Amendment Act 2018 — Remaining Provisions — 1 July 2021 (*Gazette No. S124, 16 March 2021*).

Police and Emergency Legislation Amendment Act 2020 — Sections 3 and 4 — 7 April 2021 (*Gazette No. S152, 30 March 2021*).

Transport Legislation Amendment Act 2020 — Sections 5, 7, 32(1), 32(3), 32(4), 33, 34, 38, 39, 40, 41, 42, 45, 49 and 50 — 1 April 2021 (*Gazette No. S152, 30 March 2021*).

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

Question — put and agreed to.

**11 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.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 17 March 2021 —*

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

**ROYAL COMMISSION INTO VETERAN SUICIDES** — Mr Leane having given answers to a question without notice and supplementary question relating to the Royal Commission into veteran suicides —

On the motion of Ms Crozier, 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 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:

- **Impact of climate change on wildlife** — substantive question asked by Dr Ratnam — response from Mr Leane due Monday, 3 May 2021.
- **Ambulance services in northern Victoria** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 3 May 2021.
- **Native timber harvesting** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 3 May 2021.

**13 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.

**14 2019-2020 BUSHFIRES** — Pursuant to an Order of the Council of 17 March 2021, Ms Symes moved, That this House acknowledges the 2019-20 bushfires and their devastating impact on regional communities.

Debate ensued.

*The Acting President interrupted debate at 3.00 p.m. pursuant to an Order of the Council of 17 March 2021 —*

Question — put and agreed to.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 438 to 447 and Order of the Day, Government Business, No. 1, be postponed until later this day.

**16 INDUSTRIAL RELATIONS LEGISLATION 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.

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 7, be postponed until the next day of meeting.

**18 BELT AND ROAD INITIATIVE** — Mr Davis moved, by leave, That this House —

- (1) rejects the decision of the Chinese Communist Party to block access of some Victorian exports including timber, wine, barley and seafood; and
- (2) congratulates the Commonwealth Government on its decision to cancel the Belt and Road Initiative Memorandum of Understanding signed by the Premier, the Hon Daniel Andrews MP, on 8 October 2018 and the Belt and Road Framework Agreement, signed on 23 October 2019, because they were not in the interests of Victoria and Australia.

Debate ensued.

Question — put and agreed to.

**19 REBUILDING AFTER THE 2019-2020 BUSHFIRES** — Ms Maxwell moved, by leave, That this House —

- (1) notes that hundreds of homes were destroyed in the 2019-20 bushfires across Victoria;
- (2) acknowledges the enormous devastation and trauma suffered by people directly affected by any bushfire, including from losing a home, enduring living in temporary accommodation, and undertaking the arduous process of rebuilding a home;
- (3) recognises that only one in around every 40 people who lost their homes in the 2019-20 bushfires has successfully moved back into permanent housing, even after nearly 18 months have passed since the fires;
- (4) expresses concern at the range of challenges that are continuing to delay and compromise rebuilding and re-housing efforts, especially the —
  - (a) financial gaps that frequently exist between the amounts of insurance payments received and the costs of building a new home in a bushfire area, not least because of the substantial expenses associated with complying with Victoria's Bushfire Attack Level ratings system;
  - (b) severe shortages in local housing and other accommodation available to the tradespeople required to undertake the rebuilding work;

and calls on the Government to urgently consider changes to the relevant policies and regulations to help alleviate these very serious, ongoing problems.

Debate ensued.

*The President interrupted business* —

**20 ADDRESS BY THE MAYOR OF THE ALPINE SHIRE COUNCIL** — The President, by leave of the House, and on behalf of all Members of the Council, invited Councillor John Forsyth, Mayor of Alpine Shire Council, onto the floor of the Chamber to receive a gift.

Accordingly, Councillor John Forsyth, Mayor of Alpine Shire Council, was escorted into the Chamber by the Usher of the Black Rod, presented a gift from the President and addressed the House.

**21 REBUILDING AFTER THE 2019-2020 BUSHFIRES** — Debate continued on the motion, That this House —

- (1) notes that hundreds of homes were destroyed in the 2019-20 bushfires across Victoria;
- (2) acknowledges the enormous devastation and trauma suffered by people directly affected by any bushfire, including from losing a home, enduring living in temporary accommodation, and undertaking the arduous process of rebuilding a home;
- (3) recognises that only one in around every 40 people who lost their homes in the 2019-20 bushfires has successfully moved back into permanent housing, even after nearly 18 months have passed since the fires;
- (4) expresses concern at the range of challenges that are continuing to delay and compromise rebuilding and re-housing efforts, especially the —
  - (a) financial gaps that frequently exist between the amounts of insurance payments received and the costs of building a new home in a bushfire area, not least because of the substantial expenses associated with complying with Victoria's Bushfire Attack Level ratings system;
  - (b) severe shortages in local housing and other accommodation available to the tradespeople required to undertake the rebuilding work;

and calls on the Government to urgently consider changes to the relevant policies and regulations to help alleviate these very serious, ongoing problems.

*Business having been interrupted after 45 minutes of debate, pursuant to an Order of the Council of 17 March 2021, by leave, debate was extended for a further 15 minutes —*

Debate continued.

*The Acting President interrupted debate after 15 minutes —*

Question — put and agreed to.

**22 ADJOURNMENT** — Ms Pulford 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 5.34 p.m., adjourned until Tuesday, 4 May 2021.

ANDREW YOUNG  
*Clerk of the Legislative Council*





