



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 141 — Thursday, 10 February 2022

Proof Version

- 1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 5 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women’s health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
 - Family Violence Protection Act 2008 — Report on the Implementation of the Family Violence Risk Assessment and Management Framework, 2020-21.
 - Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to —
 - The making of pandemic orders implemented on 15 December 2021.
 - The variation of pandemic orders implemented on —
 - 20 December 2021.
 - 23 December 2021.
 - 30 December 2021.
 - 6 January 2022.
 - 12 January 2022.
 - 25 January 2022.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 151/2021, 4/2022 and 6/2022.
 - Victorian Assisted Reproductive Treatment Authority (VARTA) —
 - Report, 2019-20.
 - Report, 2020-21.

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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 Acting Clerk:
- Education and Training Reform Amendment (Senior Secondary Pathways Reforms and Other Matters) Act 2021 — Part 2 — 11 February 2022 — Remaining provisions — 2 May 2022 (*Gazette No. S62, 8 February 2022*).
 - Liquor Control Reform Amendment Act 2021 — Sections 4(4) (except paragraph (a)), 8, 9, 10, 11(1), (2), (3) and (4), 12, 13, 15, 16, 17, 19(3) and (4), 39, 41 and 44 — 15 March 2022 (*Gazette No. S62, 8 February 2022*).

- 4 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 7 September 2021.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 and 691, be postponed until later this day.
- 6 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDITS OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE** — Mr Leane moved, by leave, That the Council agrees with the Assembly and resolves, That —
- (1) under section 170 of the *Independent Broad-based Anti-corruption Commission Act 2011*, Callida Pty Ltd ('Callida Consulting') be appointed:
 - (a) to conduct the performance audit of the Independent Broad-based Anti-corruption Commission;
 - (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
 - (c) at the following fixed-fee levels of remuneration:
 - (i) \$66,000, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;
 - (ii) \$99,000, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and
 - (iii) \$165,000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee;
 - (2) under section 90D of the *Victorian Inspectorate Act 2011*, Callida Pty Ltd ('Callida Consulting') be appointed:
 - (a) to conduct the performance audit of the Victorian Inspectorate;
 - (b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and
 - (c) at the following fixed-fee levels of remuneration:
 - (i) \$21,600, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;
 - (ii) \$32,400, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and
 - (iii) \$54,000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee; and
 - (3) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 7 SEX WORK DECRIMINALISATION BILL 2021** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Ondarchie*, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP's Government-commissioned review is released to Members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation."

Amendments proposed to be moved in Committee by Mr Meddick were circulated.

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

- 8 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:

- **Voluntary assisted dying applications** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 14 February 2022.
- **COVID-19 impacts on school camps** — substantive question asked by Ms Lovell — response from Ms Pulford due Friday, 11 February 2022.
- **Caulfield Racecourse Reserve tree removal** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 14 February 2022.
- **Victorian digital economy** — substantive question asked by Mrs McArthur — response from Ms Pulford due Friday, 11 February 2022.
- **Duck hunting season** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 14 February 2022.

9 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 7 September 2021.

10 SEX WORK DECRIMINALISATION BILL 2021 — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr Ondarchie*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP’s Government-commissioned review is released to Members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation.”.

Amendments proposed to be moved in Committee by Mr Grimley (three sets) were circulated.

Question — That the reasoned amendment moved by Mr Ondarchie be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mr Ondarchie.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 21

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 10

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

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

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was altered from 60 minutes to 45 minutes.

[Sitting suspended from 6.30 p.m. to 7.15 p.m.]

Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted.

Mr Leane 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, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 10

Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

(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 an amendment and requesting their agreement.

11 CHILDREN, YOUTH AND FAMILIES AMENDMENT (CHILD PROTECTION) BILL 2021 —

Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam (three sets) were circulated.

On the motion of Ms Pulford, the debate was adjourned until later this day.

12 SITTING OF THE COUNCIL — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 22 February 2022.

Question — put and agreed to.

13 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021 — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

14 HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to provide for the appointment of a Chief Quality and Safety Officer, to provide for quality and safety reviews of health service entities, to create a new statutory duty of candour for health service entities, to amend the Public Health and Wellbeing Act 2008 to confer additional functions on the Victorian Perioperative Consultative Council, to make consequential and miscellaneous amendments to the Ambulance Services Act 1986, the Mental Health Act 2014 and the Health Complaints Act 2016 and for other purposes and requesting the agreement of the Council.*

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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 Ms Crozier), the debate was adjourned for one week.

15 LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Management Act 2010 to provide for biosecurity management plans, to create an offence relating to contravening prescribed biosecurity measures 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 Ms Bath), the debate was adjourned for one week.

16 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005, the Children's Services Act 1996, the Education and Care Services National Law Act 2010, the Education and Training Reform Act 2006, the Electoral Act 2002, the Electoral Boundaries Commission Act 1982, the Essential Services Commission Act 2001, the Financial Management Act 1994, the Housing Act 1983, the Industrial Relations Legislation Amendment Act 2021, the Interpretation of Legislation Act 1984, the Local Government Act 2020, the Parliamentary Committees Act 2003, the Pharmacy Regulation Act 2010, the Public Health and Wellbeing Act 2008 and the Tobacco Act 1987 and to make minor and technical amendments to other Acts 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 Davis), the debate was adjourned for one week.

17 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 10.35 p.m., adjourned until Tuesday, 22 February 2022.

ANNE SARGENT
Acting Clerk of the Legislative Council