



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 123 — Tuesday, 5 October 2021

Proof Version

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- 1 The President took the Chair at 2.36 p.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 21 September 2021, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - Judicial Proceedings Reports Amendment Act 2021*
 - Occupational Health and Safety and Other Legislation Amendment Act 2021*
 - Social Services Regulation Act 2021.*
 - 3 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008, to consequentially amend the Status of Children Act 1974 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 Ms Crozier), by leave, the debate was adjourned until later this day.
 - 4 **BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and the Domestic Building Contracts Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Stitt), 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), by leave, the debate was adjourned until later this day.
 - 5 **GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Great Ocean Road and Environs Protection Act 2020 in relation to land management of the*

Great Ocean Road coast and parks, to further provide for functions and powers of the Great Ocean Road Coast and Parks Authority, to provide for the transfer of public land management to that Authority, to consequentially amend other Acts 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 Davis), by leave, the debate was adjourned until later this day.

- 6 SUBURBAN RAIL LOOP BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Suburban Rail Loop Authority and confer on the Authority appropriate functions and powers for the Authority to plan and deliver the Suburban Rail Loop and development associated with the Suburban Rail Loop and to enable the Authority to operate, or manage the operation of, the Suburban Rail Loop, or to manage development associated with the Suburban Rail Loop and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Symes (for Ms Pulford), 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), by leave, the debate was adjourned until later this day.

- 7 TEMPORARY ORDERS** — Ms Symes moved, by leave, That the following changes to temporary orders come into effect immediately and remain in place until 16 October 2021, unless the House resolves otherwise —

1. Days and hours of meeting

The temporary order agreed to on 7 September 2021 be rescinded and replaced with the following —

Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —

- (a) Tuesday at 2.30 p.m.;
- (b) Wednesday at 2.30 p.m.; and
- (c) Thursday at 2.45 p.m.

2. Order of Business

The temporary order agreed to on 7 September 2021 and amended on 14 September 2021 be rescinded and replaced with the following —

Upon any interruption of business under this temporary order, Standing Order 4.08 relating to the extension of sitting will apply and unless otherwise ordered by the Council, the order of business will be —

On Tuesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 3.00 p.m. Questions

Constituency Questions (up to 15 Members)

Government Business

At 6.00 p.m. Dinner break

At 6.30 p.m. Government Business

At 10.00 p.m. Adjournment (up to 20 Members)

On Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At 3.00 p.m. Questions

Constituency Questions (up to 15 Members)

General Business

At 6.00 p.m. Dinner break

At 6.30 p.m. General Business

At 9.00 p.m. Statements on reports, papers and petitions (30 minutes)

At 9.30 p.m. Adjournment (up to 20 Members)

On Thursday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 3.00 p.m. Questions

Constituency Questions (up to 15 Members)

Government Business

At 10.00 p.m. Adjournment (up to 20 Members).

3. Time limits — General Business

The temporary order agreed to on 7 September 2021 and amended on 14 September relating to General Business time limits be rescinded.

4. Incorporation of notices of motion

The deadline in the temporary order agreed to on 7 September 2021 allowing the Clerk to accept notices of motion for incorporation on the Notice Paper be amended from 10.00 a.m. to 3.00 p.m.

5. Business to be incorporated only in Hansard

The temporary order agreed to on 14 September 2021 allowing incorporation of a Member's contribution to Statements on reports, papers and petitions be rescinded.

Question — put and agreed to.

8 PETITIONS —

REJECT FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT)

BILL 2019 — Ms Bath presented a Petition bearing 509 signatures from certain citizens of Victoria requesting that the Legislative Council reject the Forests Legislation Amendment (Compliance and Enforcement) Bill 2019.

Ordered to lie on the Table.

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BREAST SCREENING PROGRAM — Mr Davis presented a Petition bearing 14 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.

PRESERVE HMAS OTAMA FOR VICTORIAN TOURISM — Mr O'Donohue presented a Petition bearing 275 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to facilitate bringing the decommissioned submarine HMAS Otama ashore and establish a permanent display at Crib Point, in the vicinity of the Crib Point Jetty and Western Port Oberon Association Museum situated at 220 The Esplanade.

Ordered to lie on the Table.

9 MENTAL HEALTH AMENDMENT (COUNSELLORS) BILL 2021 — Ms Crozier introduced *A Bill for an Act to amend the Mental Health Act 2014 to provide that counsellors are included in the definition of mental health practitioners for the purposes of the Act and for other purposes.*

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

10 PLANNING AND ENVIRONMENT AMENDMENT BILL 2021 — Mr Hayes introduced *A Bill for an Act to ensure the environment is prioritised in planning decisions.*

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

11 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 12 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2021-22 BUDGET ESTIMATES — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the 2021-22 Budget Estimates and 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.

Question — put and agreed to.

Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council earlier this day —

12 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:

- **Policing of medically supervised injecting centre** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 7 October 2021.
- **Drug and alcohol treatment capacity** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Thursday, 7 October 2021.
- **Support for small builders** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Thursday, 7 October 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 7 September 2021.

14 PAPERS —

AUDITOR-GENERAL — MAJOR PROJECTS PERFORMANCE — Pursuant to section 59(5)(c) of the *Audit Act 1994*, and following the transmission of the report on 22 September 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Major Projects Performance, September 2021.

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 Office — Report, 2020-21.

Crown Land (Reserves) Act 1978 —

Minister's Order of 10 August 2021 giving approval to the granting of a lease at Tasma Terrace Reserve.

Minister's Order of 12 August 2021 giving approval to the granting of a licence at Sandringham Beach Park.

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

Boroondara Planning Scheme — Amendments C340 and C358.

Cardinia Planning Scheme — Amendment C228.

Darebin Planning Scheme — Amendments C197, C201 and C205.

Glen Eira Planning Scheme — Amendment C230.

Golden Plains Planning Scheme — Amendment C94.

Greater Bendigo Planning Scheme — Amendments C272 and C273.

Hume Planning Scheme — Amendment C256.

Maroondah Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendments C308, C398, C411 and C416.

Melton Planning Scheme — Amendment C170.

Moira Planning Scheme — Amendment C88.

Moreland Planning Scheme — Amendment C207.

Stonnington Planning Scheme — Amendment C311.

Victoria Planning Provisions — Amendment VC208.

Wangaratta Planning Scheme — Amendment C81.

Whittlesea Planning Scheme — Amendment C204.

Wodonga Planning Scheme — Amendment C131.

Yarra Planning Scheme — Amendments C294.

Yarra Ranges Planning Scheme — Amendment C178.

Project Development and Construction Management Act 1994 — Nomination and Application Orders of 28 September 2021 — Redevelopment of 1-12 Bills Street, Hawthorn, under section 9 of the Act.

Road Safety Camera Commissioner Act 2011 — Road Safety Camera Commissioner — Report, 2020-21.

Statutory Rules under the following Acts of Parliament —

Bus Safety Act 2009 — No. 119.

Commercial Passenger Vehicle Industry Act 2017 — No. 125.

Conveyancers Act 2006 — No. 118.

Environment Protection Act 2017 — No. 123.

Road Safety Act 1986 — Nos. 116 and 121.

Sheriff Act 2009 — No. 117.

Status of Children Act 1974 — No. 122.

Subdivision Act 1988 — No. 124.

Tourist and Heritage Railways Act 2010 — No. 120.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 116 to 122, 124 and 125.

Legislative instrument and related documents under section 16B in respect of Notice of Home Buyer Scheme Declaration of 3 September 2021, under the First Home Owner Grant and Home Buyer Schemes Act 2000.

15 PRODUCTION OF DOCUMENTS — MEMORANDUM OF UNDERSTANDING WITH CHINA'S NATIONAL DEVELOPMENT AND REFORM COMMISSION — The Clerk laid on the Table a letter from the Attorney-General, dated 17 September 2021, in response to the Resolution of the Council of 26 May 2021 (on the motion of Mr Davis), and further to the Government's initial response of 8 June 2021, relating to the Memorandum of Understanding with China's National Development and Reform Commission.

The Clerk further laid on the Table the one document within the scope of the order in full, together with a schedule of the identified document.

16 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH — The Clerk laid on the Table a letter from the Acting Attorney-General, dated 21 September 2021, in response to the Resolution of the Council of 8 September 2021 (on the motion of Ms Crozier), relating to the Victorian Agency for Health Information's data on mental health, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

17 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 October 2021 —

- (1) Order of the Day made this day, second reading of the Mental Health Amendment (Counsellors) Bill 2021;
- (2) the notice of motion given this day by Mr Limbrick on the production of documents relating to mandatory vaccination health orders;
- (3) Order of the Day No. 6, consideration of the Emergency Powers Safeguards Legislation Amendment Bill 2021 in Committee of the whole;
- (4) the notice of motion given this day by Mr Davis on the impacts of COVID-19 on small business; and
- (5) Order of the Day No. 54, resumption of debate on a motion on the West Gate Tunnel Project.

Question — put and agreed to.

18 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.

19 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019 — Bill further considered in Committee of the whole.

House in Committee.

Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council earlier this day —

On the motion of Ms Symes, the meal break scheduled for 6.00 p.m. was postponed until 6.15 p.m.

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, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; 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, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; 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 amendments.

[Sitting suspended from 6.15 p.m. to 6.50 p.m.]

20 SUBURBAN RAIL LOOP 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 ordered to be committed to a Committee of the whole on the next day of meeting.

21 ADJOURNMENT — Ms Pulford 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 10.07 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council