



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 126 — Tuesday, 12 October 2021

Proof Version

1 The President took the Chair at 2.35 p.m., read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Forests legislation Amendment (Compliance and Enforcement) Act 2021.

3 **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2021** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

4 **PETITIONS** —

BREAST SCREENING PROGRAM — Mr Davis presented a Petition bearing 38 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.

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NO COVID-19 VACCINE PASSPORT TRIAL FOR GREATER BENDIGO LGA — Mr Quilty presented a Petition bearing 52 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to withdraw the Greater Bendigo Local Government Area from the COVID-19 vaccine passport trial before its commencement.

Ordered to lie on the Table.

5 **LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) BILL 2021** — Mr Davis introduced *A Bill for an Act to ensure Council fees, rates and charges of any kind payable by businesses are not increased or imposed in respect of specified years.*

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

6 **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. 13 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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19TH REPORT TO PARLIAMENT ON THE EXTENSION OF THE DECLARATION OF 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 8 October 2021, the Clerk laid on the

Table a copy of the 19th Report to Parliament on the Extension of the Declaration of the State of Emergency.

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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:

Ombudsman — Investigation into allegations of collusion with property developers at Kingston City Council, October 2021 (*Ordered to be published*).

A Statutory Rule under the Tobacco Act 1987 — No. 126.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 126.

Legislative instruments and related documents under section 16B in respect of Ministerial Order No. 1337 – Order Amending Ministerial Order No. 615 – Amendment to Order Fixing Fees Administered by the Victorian Registration and Qualifications Authority, of 29 September 2021, under the Education and Training Reform Act 2006.

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OMBUDSMAN — INVESTIGATION INTO ALLEGATIONS OF COLLUSION WITH PROPERTY DEVELOPERS AT KINGSTON CITY COUNCIL — On the motion of Mr Davis, the Ombudsman's Report on the Investigation into allegations of collusion with property developers at Kingston City Council was ordered to be taken into consideration on the next day of meeting.

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

- (1) Order of the Day No. 1, second reading of the Planning and Environment Amendment Bill 2021;
- (2) Order of the Day made this day, second reading of the Local Government Amendment (Rates and Charges) Bill 2021;
- (3) the notice of motion given this day by Mr Davis on job losses;
- (4) Order of the Day No. 47, resumption of debate on a motion on the West Gate Tunnel Project;
- (5) Notice of Motion No. 608, standing in the name of Dr Ratnam revoking the Minister's consent to Beach Energy Limited conducting operations within Port Campbell National Park;
- (6) Notice of Motion No. 631, standing in the name of Dr Ratnam referring issues relating to the rise of the far-right, right-wing nationalist and neo-Nazi movement in Victoria to the Legal and Social Issues Committee;
- (7) the notice of motion given this day by Mr Bourman on the production of documents relating to the closure of the Victorian Native Timber Industry; and
- (8) Notice of Motion No. 616, standing in Mr Bourman's name on digital licences.

Question — put and agreed to.

8 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.

Business having been interrupted at 3.00 p.m. pursuant to an Order of the Council of 5 October 2021 —

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

ESTA PHONE RESPONSE TIMES — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA phone response times —

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.

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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:

- **Office of Public Prosecutions – Victims of crime policies** — substantive question asked by Mr Grimley — response from Ms Symes due Wednesday, 13 October 2021.
- **Wild deer management** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Thursday, 14 October 2021.
- **WorkSafe investigation of hotel quarantine** — substantive question asked by Mr Davis — response from Ms Stitt due Wednesday, 13 October 2021.
- **Commercial Passenger Vehicles – records of vaccination** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 14 October 2021.

10 MEMBERS' STATEMENTS — Further statements were made by Members pursuant to Standing Order 5.13.

11 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.

12 GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Mr Davis moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has provided adequate time for consultation with stakeholders to assess the impact of this Bill and has released the proposed regulations.”.

Debate ensued.

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

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

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam.

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

NOES, 20

Mr Barton; Dr Cumming; Mr Elasmár; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; 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)

Question negatived.

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

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

House in Committee.

Business having been interrupted at 6.00 p.m. pursuant to an Order of the Council of 5 October 2021 —

[Sitting suspended from 6.00 p.m. to 6.33 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, 20

Mr Barton; Dr Cumming; Mr Elasmár; Mr Erdogan; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; 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, 13

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam.

(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.

13 ESSENTIAL SERVICES COMMISSION (COMPLIANCE AND ENFORCEMENT POWERS) 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.

14 FIREARMS AND OTHER ACTS AMENDMENT BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

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

Business having been interrupted at 10.00 p.m. pursuant to an Order of the Council of 5 October 2021 —

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; 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, 4

Mr Bourman; 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 read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

15 ADJOURNMENT — Ms Stitt 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 10.55 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council