



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 128 — Thursday, 14 October 2021

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- 1 The President took the Chair at 2.50 p.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the Governor-General notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Scott Ryan.
 - 3 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE MEMBERSHIP** — The President read a letter from Mr Gepp resigning from the Scrutiny of Acts and Regulations Committee, effective from 13 October 2021.
 - 4 **GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT BILL 2021** — The President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.
 - 5 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (CHILD PROTECTION) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.
 - 6 **EDUCATION AND TRAINING REFORM AMENDMENT (SENIOR SECONDARY PATHWAYS REFORMS AND OTHER MATTERS) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.
 - 7 **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Terrorism (Community*

Protection) Act 2003 in relation to radicalisation towards violent extremism and the protection of counter-terrorism intelligence, to require a further review of the operation of the Act, to delay the expiry of that Act, to make consequential and related amendments to certain other Acts and to amend the Victorian Institute of Forensic Medicine Act 1985 to update a reference to a repealed Act and for other purposes and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Leane, the second reading speech was incorporated into Hansard.

Mr Leane moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 8 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to establish a centralised electronic system to enable public hospitals and other specified health services to share specified patient health information, to make consequential amendments to the Health Records Act 2001 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Leane laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Leane, the second reading speech was incorporated into Hansard.

Mr Leane 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.

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.

SMALL BUSINESS JOB LOSSES — Ms Pulford having given answers to a question without notice and supplementary question relating to small business job losses —

On the motion of Mr Davis, 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.

ESTA REVIEW — Ms Symes having given answers to a question without notice and supplementary question relating to ESTA Review —

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:

- **COVID-19 cases linked to protests** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 18 October 2021.
- **Timber Code of Practice** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Leane due Monday, 18 October 2021.
- **Battery cages** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 18 October 2021.
- **Gambling industry political donations** — substantive question asked by Dr Ratnam — response from Ms Symes due Friday, 15 October 2021.

- **Family violence perpetrators** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 18 October 2021.

10 PETITIONS —

CLASSIFY PET GROOMING AS AN ESSENTIAL SERVICE — Mr Bourman presented a Petition bearing 1,498 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately classify dog grooming as an essential service to protect the welfare and safety of animals and the mental health and wellbeing of veterinarians, groomers and pet owners.

Ordered to lie on the Table.

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FUND PURCHASE OF PETER MCCANN MEMORIAL GROVE — Mr Meddick presented a Petition bearing 168 signatures from certain citizens of Victoria requesting that the Legislative Council call the Government to provide funding to the City of Greater Geelong to purchase the Peter McCann Memorial Grove, Geelong and to make the land a permanent part of the Fyansford Common, including the development of a carpark and a road to the river.

Ordered to lie on the Table.

11 CASINO AND ELECTORAL LEGISLATION AMENDMENT (LIMITING GAMBLING HARMS AND OTHER MEASURES) BILL 2021

— Dr Ratnam introduced *A Bill to amend the Casino Control Act 1991 to limit the amount of gambling conducted at the Melbourne Casino, strengthen harm minimisation measures and to amend the Electoral Act 2002 to ban political donations from gambling entities and for other purposes.*

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

12 PAPERS —

INSPECTOR-GENERAL FOR EMERGENCY MANAGEMENT — INQUIRY INTO THE 2019-20 VICTORIAN FIRE SEASON — PHASE 2 REPORT — Ms Symes moved, by leave, That there be laid before this House a copy of the Inspector-General for Emergency Management's Report on the Inquiry into the 2019-20 Victorian fire season — Phase 2.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

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LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD — Pursuant to Standing Order 23.29, Ms Patten presented the Second report from the Legal and Social Issues Committee on the Inquiry into the closure of I Cook Foods Pty Ltd (including Appendices, Transcripts of Evidence, Extracts of Proceedings and a Minority Report).

Ordered that the Report be published.

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

Debate ensued.

Question — put and agreed to.

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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:

National Parks Act 1975 — Report on the working of the Act, 2020-21.

National Parks Advisory Council — Report, 2020-21.

Public Record Office Victoria — Report, 2020-21.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule 123.

13 SITTING OF THE COUNCIL

— Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 26 October 2021, at a time to be set by the President.

Question — put and agreed to.

14 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.

15 COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — Ms Symes moved, That —

- (1) In order to protect the health and safety of Members and parliamentary staff and reduce the risk of transmission of COVID-19, this House requires Members of the Legislative Council attending the Chamber or the parliamentary precinct to have received —
 - (a) their first COVID-19 vaccine dose by 15 October 2021, or have an appointment to receive their first dose between 15 October and 22 October 2021 and subsequently receive that dose by 22 October 2021; and
 - (b) their second COVID-19 vaccine dose by 26 November 2021.
- (2) In order to protect the health and safety of electorate officers and community members, this House requires Members of the Legislative Council attending their electorate offices to have received COVID-19 vaccinations as set out in paragraph (1).
- (3) Members must provide proof of vaccination, proof of a vaccination booking or proof of a valid exception to the Clerk by the dates set out in paragraph (1).
- (4) If any Members do not meet the requirements set out in paragraph (3), the Clerk will —
 - (a) as soon as practicable, notify each Member of the House which Members have not met the requirements; and
 - (b) report the details to the House on the next sitting day.
- (5) Unless otherwise ordered, any Member who has not complied with the requirements set out in paragraph (3) is determined to have failed to comply with an Order of the House and therefore —
 - (a) is suspended from attending the Chamber and the parliamentary precinct until the second sitting day of the 2022 Parliamentary year; and
 - (b) will have their parliamentary precinct security access pass revoked for the period of the suspension at the direction of the Clerk.
- (6) If a Member who is suspended under paragraph (5) provides proof of a single dose of vaccination between 15 October and 26 November 2021 or a second dose after 26 November 2021, or proof of a valid exception to the Clerk, their suspension is immediately lifted, and the Clerk will advise Members and the House accordingly.
- (7) For the purposes of this resolution —
 - (a) **COVID-19 vaccine** means a vaccine to protect a person against SARSCoV-2 that, as at the date of this resolution, has been registered or provisionally registered by the Therapeutic Goods Administration or has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the Therapeutic Goods Regulations 1990 of the Commonwealth;
 - (b) **proof of vaccination** means information about a person's vaccination status and includes a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register;
 - (c) **proof of a valid exception** means written certification from a medical practitioner that the person is unable, due to a medical contraindication to receive a dose, or a further dose, of a COVID-19 vaccine.
- (8) The Clerk —
 - (a) must ensure all information provided under this resolution remains confidential and is stored securely;
 - (b) must not disclose any information except as authorised by this resolution; and
 - (c) must destroy all information provided under this resolution at the end of the session or an earlier time determined by the House.
- (9) The House may agree to further resolutions to —
 - (a) vary or amend this resolution; or
 - (b) provide for arrangements for sittings in 2022 based on the epidemiology and progress in the roadmap to implementing the national plan at the time.

Debate ensued.

Mr Limbrick moved, as an amendment, That all the words after “That —” be **omitted** with the view of **inserting** the following in their place:

- “(1) In order to protect the health and safety of Members and parliamentary staff and reduce the risk of transmission of COVID-19, this House requires Members of the Legislative Council attending the Chamber or the parliamentary precinct to —
 - (a) receive a negative COVID-19 polymerase chain reaction (PCR) test in the 72 hours prior to attending the Chamber or parliamentary precinct each week; or
 - (b) submit to surveillance rapid antigen testing (RAT) each sitting week in line with the trials currently underway at the Level Crossing Removal Project, as announced by the Premier on 6 October 2021.
- (2) If the Member receives a positive result on a RAT they must immediately get a PCR test and follow existing health guidelines.”.

Debate ensued.

Dr Cumming moved, as amendments —

1. **Omit** paragraph (4)(b).
2. After paragraph (6), **insert** the following new paragraph:
“(7) Any Member who submits to a rapid antigen test administered on behalf of the Clerk by a person authorised to do so by the Clerk, prior to entering the parliamentary precinct for the first time each sitting day, and produces a negative COVID-19 result will not be suspended under paragraph (5), will be admitted to the parliamentary precinct and will be allowed to vote in a division only.”.
3. **Omit** paragraph (9) and **insert** the following in its place:
“(9) This resolution expires and any suspension is revoked on the day following a 90 per cent rate of double dose COVID-19 vaccinations amongst Members of the Legislative Council being met. The Clerk will, as soon as practicable, notify each Member of the House once proof of this requirement has been received.”.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

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

NOES, 33

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmir; 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; 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)

Question negated.

Question — That Amendment No. 1 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Quilty.

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

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Grimley; 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; 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)

Question negatived.

Question — That Amendment No. 2 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; 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)

NOES, 20

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Ms Maxwell; 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)

Question negatived.

Question — That Amendment No. 3 moved by Dr Cumming be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

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

NOES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; 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; 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)

Question negatived.

Original 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 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; 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, 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.

16 FIREARMS AND OTHER ACTS AMENDMENT BILL 2021 —

The President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider a New Clause to amend the *Control of Weapons Act 1990* in relation to the definition of **imitation firearm**.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

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

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

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

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Tierney 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, 32

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; 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, 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 third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

17 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

And the Council having continued to sit after 12 midnight —

FRIDAY, 15 OCTOBER 2021

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

Ms Symes moved, That the sitting be extended.

Question — put and agreed to.

Debate continued.

On the motion of Ms Shing, the debate was adjourned until the next day of meeting.

18 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 12.30 a.m., adjourned until Tuesday, 26 October 2021.

ANDREW YOUNG
Clerk of the Legislative Council