



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 155 — Wednesday, 11 May 2022

*Proof Version*

- 
- 1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **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 Reports on —
      - Fraud Control Over Local Government Grants, May 2022 (*Ordered to be published*).
      - Offsetting Native Vegetation Loss on Private Land, May 2022 (*Ordered to be published*).
    - Planning and Environment Act 1987 —
      - Notices of Approval of the following amendments to planning schemes —
        - Melbourne Planning Scheme — Amendment C385.
        - Whittlesea Planning Scheme — Amendment C259.
      - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment 122, under section 46D of the Act.
    - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 28.
    - Wildlife Act 1975 —
      - Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S114, 8 March 2022*).
      - Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette No. S122, 11 March 2022*).
      - Wildlife (Prohibition of Electronic Acoustic Quail Lures) Notice (*Gazette No. S152, 28 March 2022*).
      - Wildlife (Partial Closure of Dowd Morass State Game Reserve) Notice (*Gazette No. S153, 28 March 2022*).
  - 3 **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.
  - 4 **ESTABLISHMENT OF A TRIBUNAL TO OVERSEE ALL NON-EMPLOYEE TRANSPORT WORK AND WORKERS** — Mr Barton moved, That this House —
    - (1) calls on the Government to establish a Tribunal comprised of industry experts to oversee all non-employee transport work and workers, regardless of label, in Victoria that will have the power to —
      - (a) set minimum and enforceable standards, including pay and conditions, across a company, sector or industry;
      - (b) enter into enforceable and certified collective agreements through a bargaining regime;
      - (c) resolve any disputes, including unfair terminations of contract, through conciliation and arbitration;
      - (d) review unfair contracts, including where the contracts become unfair in the course of operation;

- (2) further calls on the Government to —
- (a) ensure that there is an adequate enforcement regime underpinning the work of the Tribunal as well as appropriate auditing, training and education through the transport industry;
  - (b) require the Tribunal to report back to the Government on the exercise of its powers in its first 12 months of operation, by no later than four months following the conclusion of the Tribunal's first 12 months of operation; and
  - (c) table the Tribunal's report in the Legislative Council.

Debate ensued.

Question — put and agreed to.

- 5 PREMIER, HON DANIEL ANDREWS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION SANDON** — Mr Davis moved, That this House calls on the Premier, the Hon Daniel Andrews MP, to stand aside from all official responsibilities until the Independent Broad-based Anti-corruption Commission's report on Operation Sandon has been tabled in Parliament and during this time not participate in any executive or administrative decision-making.

Debate ensued.

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

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

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Leongatha pedestrian crossing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Friday, 13 May 2022.
- **Emergency Services Telecommunications Authority — call response data** — substantive and supplementary questions asked by Ms Crozier — response from Ms Symes due Thursday, 12 May 2022.
- **Albury-Wodonga hospital** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Friday, 13 May 2022.
- **Local Government funding** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Thursday, 12 May 2022.
- **Uber – misleading and deceptive conduct** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 13 May 2022.

- 7 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.

- 8 PREMIER, HON DANIEL ANDREWS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION SANDON** — Debate continued on the question, That this House calls on the Premier, the Hon Daniel Andrews MP, to stand aside from all official responsibilities until the Independent Broad-based Anti-corruption Commission's report on Operation Sandon has been tabled in Parliament and during this time not participate in any executive or administrative decision-making.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 12

Mr Atkinson; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek; Ms Vaghela.

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

## NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; 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.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 768, be postponed until later this day.

**10 PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution, all emails and other correspondence since 4 December 2014 between the Premier or the Office of the Premier and —

- (1) Mr John Woodman;
- (2) Mr John Woodman's employees; and
- (3) Mr John Woodman's companies.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**11 PHASING OUT THE USE OF 1080 POISON** — Mr Meddick moved, That this House —

- (1) recognises that sodium monofluoroacetate, commonly known as 1080 poison —
  - (a) is a highly dangerous neurotoxic poison with no antidote;
  - (b) is identified by the Council of Australian Governments as a chemical of security concern;
  - (c) is banned in most countries around the world because of its extraordinary cruelty;
  - (d) causes animals to suffer a prolonged, excruciatingly painful death;
  - (e) is impossible to be used while limiting deaths to a target species;
  - (f) is indiscriminate and kills endangered native species;
  - (g) can also kill by secondary contamination, where another animal preys on an affected animal after death;
- (2) calls on the Government to —
  - (a) implement recommendation seven of the Environment and Planning Committee's Report on the *Inquiry into ecosystem decline*, tabled in December 2021, by introducing a phase-out of the use of 1080 poison, to be finalised by December 2023 —
    - (i) in Victoria's national parks, beginning in July 2022;
    - (ii) on private and agricultural land, after 12 months; and
  - (b) commit to further investment and introduction of alternatives, including but not limited to immunocontraception, as an urgent priority.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Ms Shing moved, by leave, That Standing and Sessional Orders be suspended to allow additional time for debate on this motion to occur.

Question — put and agreed to.

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

**12 SESSIONAL ORDERS — HYBRID SITTINGS** — Debate resumed on the question, That so much of Standing and Sessional Orders be suspended to allow the following arrangements to come into effect tomorrow and remain in place until the House resolves otherwise:

**1. Remote participation**

Members may participate in debate remotely using an audio-visual link as follows:

- (1) The Chair must be satisfied that the quality of the audio-visual link allows the Chair to verify the identity of that Member and for the Member to participate.
- (2) A Member participating remotely is not counted for the purposes of a quorum.
- (3) A Member participating remotely shall not vote and a Member that is not in the Chamber at the time of a division may register their opinion on the question by notifying the Clerk

- in writing of their opinion (either 'Aye' or 'Noe') after the commencement of the matter in the House and before the President reports the result of the vote to the House, and any such opinion will be published, separately from the results of the vote, in Hansard and the Minutes of Proceedings.
- (4) Members participating remotely may do all things a Member in the Chamber may do, except —
    - (a) chair the debate;
    - (b) refuse leave;
    - (c) take, or speak on, a point of order unless it is taken by another member during their contribution;
    - (d) call the Chair's attention to the state of the House;
    - (e) call for a division;
    - (f) vote;
    - (g) move a motion for the closure of debate under Standing Order 12.25 or be counted in support of a closure of debate motion under Standing Order 12.25(2); and
    - (h) be counted for the purposes of satisfying an absolute or special majority requirement.
  - (5) In order to assist Members participating remotely, the Chair will use a formal call list to allocate the call for each debate where practical and Members wishing to participate remotely may seek the call by —
    - (a) informing their whip, or the whip's representative, who will inform the Chair in advance — for a Government or Opposition Member; and
    - (b) informing the Clerk, who will inform the Chair in advance — for any other Member.
  - (6) When a Member participates remotely, the Chair may exercise all their usual powers to control the debate.
  - (7) The Chair is given any additional powers necessary to facilitate the smooth running of the House and/or to address any technical issues, including but not limited to —
    - (a) stopping the clock;
    - (b) returning to a Member's contribution; and
    - (c) re-ordering business.
  - (8) The President may issue formal Guidelines from time to time about remote participation which must not be inconsistent with this temporary order and must be complied with as if they are temporary orders and the President may take any action necessary should Members not abide by the Guidelines.

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

**13 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**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 5.56 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*