



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 84 — Wednesday, 25 November 2020

*Proof Version*

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- 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 —
      - Accessing Emergency Funding to Meet Urgent Claims, November 2020 (*Ordered to be published*).
      - the Annual Financial Report of the State of Victoria: 2019-20, November 2020 (*Ordered to be published*).
      - Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of an Order in Council of 10 November 2020 revising animal welfare codes of practice under the Prevention of Cruelty to Animals Act 1986.
      - Victorian Budget Update — 2020-21.
  - 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 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019** — 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.
  - 5 **ECONOMIC IMPACTS OF COVID-19** — Mr Rich-Phillips moved, That this House —
    - (1) notes the impact of the COVID-19 crisis, in particular the harsh lockdown, has unevenly impacted certain groups and industries, specifically —
      - (a) ABS figures show the number of unemployed Victorian women is now the highest on record at 146,500 or 8.8 per cent;
      - (b) the underemployment rate for Victoria is now 13 per cent, the highest in the country, and combined with the unemployment rate, a total of 20.4 per cent, with one in five Victorians either looking for work or more work;
      - (c) over the past 12 months Victoria recorded the largest drop in job advertisements of any state, with Geelong and the Surf Coast down 27.9 per cent, Gippsland down 16.9 per cent, and Ballarat and Central Highlands down 13.3 per cent and that, together with Melbourne, these regions have recorded four of the five largest reductions in Australia;
      - (d) ABS payroll jobs and total wages data shows, since the pandemic began, payroll jobs in small businesses that employ under 20 people have fallen by 9.4 per cent and in businesses that employ between 20 and 199 people by 9.3 per cent;
      - (e) the travel and tourism, hospitality and events, fitness, creative industry and retail sectors have borne the brunt of the burden;

- (2) accepts that Victoria has not provided commensurate targeted assistance that recognises the more severe impacts;
- (3) notes that many businesses will be lost in the absence of appropriate additional support; and
- (4) believes it would be prudent for the Government to take further targeted steps to remedy these inequities.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Ms Patten; Mr Quilty; Mr Rich-Phillips.

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

NOES, 19

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; 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.

- 6 MARINE SAFETY AMENDMENT (BETTER BOATING FUND) BILL 2020** — 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.

- 7 NEW EMPLOYMENT LEVY** — Mr Finn (for Mr Davis) moved, That this House recognises that Victorian small businesses have done it very tough through the COVID-19 pandemic and that now is the wrong time to foist a new tax onto the small business sector already struggling to recover from the lockdown.

Debate ensued.

*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:

- **Box Hill TAFE aviation courses** — substantive question asked by Mr Rich-Phillips — response from Ms Tierney due Thursday, 26 November 2020.
- **Alcohol and drug related offender recidivism** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 27 November 2020.

- 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 15 September 2020.

- 10 NEW EMPLOYMENT LEVY** — Debate continued on the question, That this House recognises that Victorian small businesses have done it very tough through the COVID-19 pandemic and that now is the wrong time to foist a new tax onto the small business sector already struggling to recover from the lockdown.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.

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

NOES, 22

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; 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)*

Question negatived.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 435, be postponed until later this day.

**12 TAXI AND HIRE CAR LICENCES** — Mr Barton moved, That this House —

(1) acknowledges that —

- (a) in 1998, the High Court of Australia determined that a taxi licence was a valuable item of property;
- (b) since the commencement of the *Commercial Passenger Vehicle Industry Act 2017*, the revocation of perpetual Victorian taxi and hire car licences amounted to a compulsory government asset acquisition;
- (c) the revocation of perpetual Victorian taxi and hire car licences for a fraction of their worth constitutes a breach of the *Charter of Human Rights and Responsibilities Act 2006*;
- (d) arbitrary transition assistance payments in lieu of some, but not all, perpetual Victorian taxi and hire car licences was grossly inadequate and unfair;
- (e) the deregulation of the industry in 2017 has —
  - (i) created a glut of commercial passenger vehicles on our roads;
  - (ii) reduced driver income to well below minimum wage;
  - (iii) threatened the economic viability of the industry;
  - (iv) caused worsening traffic congestion;

(2) calls on the Andrews Government to —

- (a) accept a financial proposal to properly compensate the industry for the compulsory asset acquisition of all perpetual Victorian taxi and hire car licences;
- (b) make adjustments to the commercial passenger vehicle industry structure to better balance market components and end driver exploitation; and
- (c) support a recovery plan to build back and move the commercial passenger vehicle industry forward through COVID-19.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Quilty.*

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

**14 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.02 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*