



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 140 — Wednesday, 9 February 2022

*Proof Version*

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- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **CONSTITUTION AMENDMENT (PRAYING) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Constitution Act 1975 to modernise and replace the terminology of praying within that Act and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
  - 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DECriminalISATION OF POSSESSION AND USE OF DRUGS OF DEPENDENCE) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain offences to be dealt with by way of a drug education or treatment notice and to make consequential and related amendments and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
  - 4 **PUBLIC ADMINISTRATION AMENDMENT (TRIAL OF A FOUR-DAY WORK WEEK) BILL 2022** — Ms Patten introduced *A Bill for an Act to amend the Public Administration Act 2004 to permit a discrete trial of a four-day work week within the public service and for other purposes.*  
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
  - 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
    - Border Groundwaters Agreement Review Committee — Report, 2020-21.
    - Climate Change Act 2017 — Adaptation Action Plans, 2022-2026, under section 40(1) of the Act for —
      - Built Environment Climate Change.
      - Education and Training Climate Change.
      - Health and Human Services Climate Change.
      - Natural Environment Climate Change.
      - Primary Production Climate Change.
      - Transport Climate Change.
      - Water Cycle Climate Change.
  - 6 **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.

**7 EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY RESPONSE TIMES —**

Ms Crozier moved, That this House —

- (1) expresses its serious concern at the —
  - (a) inadequate operation of the Emergency Services Telecommunications Authority's (ESTA) triple zero service and the failure of ESTA to maintain acceptable response times;
  - (b) worrying number of cases where lives have been put at risk by the extraordinary time delays in responding to calls in country Victoria and Metropolitan Melbourne;
  - (c) failure to promptly dispatch an ambulance in a timely way;
  - (d) cases that have come to public notice where lives have been lost through what appears to be delayed emergency services despatch;
  - (e) resources provided by the Government to ESTA and Ambulance Victoria and the consequent delays in response times; and
- (2) respectfully requests that the Auditor-General examine the operation and management of ESTA and the interaction between ESTA and Ambulance Victoria.

Debate ensued.

Question — put and agreed to.

**8 BUSINESS POSTPONED — Ordered —** That the consideration of Notice of Motion, General Business, No. 689, be postponed until later this day.**9 LEGAL AND SOCIAL ISSUES COMMITTEE — EFFECTS OF COVID-19 ON THE PHYSICAL AND MENTAL HEALTH OF VICTORIANS —** Dr Cumming moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 1 July 2022, on the effects of COVID-19 on the physical and mental health of Victorians, including but not limited to —

- (1) the provision of mental health services;
- (2) the number of suicides;
- (3) the number and type of presentations at —
  - (a) hospitals;
  - (b) general and allied health practitioners;
  - (c) pathology services;
  - (d) diagnostic services;
- (4) the effects of delays in surgery and diagnostic services, if any, to the Victorian health system and to the health of Victorians;
- (5) the health and learning impacts of school closures on children; and
- (6) any other matter the Committee considers relevant.

Debate ensued.

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

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

**AERIAL FIREFIGHTING CAPACITY —** Ms Symes having given answers to a question without notice and supplementary question relating to aerial firefighting capacity —

On the motion of Ms Lovell, 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:

- **ESTA workers – vaccine mandates —** supplementary question asked by Mr Limbrick — response from Ms Symes due Thursday, 10 February 2022.
- **Rapid antigen tests – advice to school parents —** substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 11 February 2022.

- **Boat ramp maintenance funding** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Friday, 11 February 2022.
- **Aerial firefighting capacity** — substantive question asked by Ms Lovell — response from Ms Symes due Friday, 11 February 2022.

**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 LEGAL AND SOCIAL ISSUES COMMITTEE — EFFECTS OF COVID-19 ON THE PHYSICAL AND MENTAL HEALTH OF VICTORIANS** — Debate continued on the question, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 1 July 2022, on the effects of COVID-19 on the physical and mental health of Victorians, including but not limited to —

- (1) the provision of mental health services;
- (2) the number of suicides;
- (3) the number and type of presentations at —
  - (a) hospitals;
  - (b) general and allied health practitioners;
  - (c) pathology services;
  - (d) diagnostic services;
- (4) the effects of delays in surgery and diagnostic services, if any, to the Victorian health system and to the health of Victorians;
- (5) the health and learning impacts of school closures on children; and
- (6) any other matter the Committee considers relevant.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Quilty; Mr Somyurek.

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

NOES, 18

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; 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)*

The Ayes and Noes being equal, the question was negatived.

**13 OMBUDSMAN REFERRAL — ALLEGATIONS CONCERNING ‘BRANCH STACKING’ AND RELATED MATTERS** — Mr Somyurek moved, That this House —

- (1) notes the Resolution of the Council on Wednesday, 17 June 2020 referring a matter to the Ombudsman has led to Operation Watts, a coordinated investigation that the Ombudsman is undertaking with the Independent Broad-based Anti-corruption Commission (IBAC) into a range of matters including allegations of ‘branch stacking’ aired in media reports in 2020;
- (2) further to that Resolution, refers the following matters, pursuant to section 16 of the *Ombudsman Act 1973*, as part of an expanded investigation —
  - (a) the red shirts scheme, including the role of the then Opposition Leader, the Hon Daniel Andrews MP, in designing, propagating, and facilitating the scheme;
  - (b) all electorate officers and ministerial advisers performing factional tasks during work hours from all factions of the Australian Labor Party (ALP);
  - (c) the extent of branch stacking activities and funding of branch stacking activities, in particular whether government funds have been misdirected to pay for memberships from electorate office budgets, including, but not limited to, through arrangements for the provision of printing, office supplies or other services;
  - (d) the allegations in the 14 August 2021 article published in *The Age* titled ‘*The Chosen Few: How Much is Victoria really Governed*’, that ALP activists are ‘stacked’ into the

public service thus compromising objectivity and professionalism and increasing the risk of corruption;

- (e) the Premier's taxpayer funded social media unit staff;
- (f) the monetising of factional politics through the new trend of occupying the dual role of lobbyists/faction powerbroker to ensure that factional power over Members is not misused for personal financial gain;

(3) requires the Ombudsman to consider her powers and obligations under the *Ombudsman Act 1973* to refer matters to, and share information with IBAC and other integrity bodies, with a view to expanding the scope of Operation Watts to include the matters referred to in paragraph (2);

and requires the Clerk to write to the Victorian Ombudsman and the IBAC Commissioner to convey the terms of this Resolution.

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, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; 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; Mr Somyurek; Ms Vaghela.

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

NOES, 17

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

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

Question agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

**15 BUSINESS OF THE HOUSE — ORDER OF BUSINESS** — Ms Symes moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to allow the Order of Business for the remainder of today to be —

Ms Burnett-Wake's Inaugural Speech

Statements on reports, papers and petitions (maximum 30 minutes)

Government Business (maximum 30 minutes)

Adjournment (up to 20 Members).

Question — put and agreed to.

**16 INAUGURAL SPEECH — MS CATHRINE BURNETT-WAKE** — Pursuant to Standing Order 5.08, Ms Cathrine Burnett-Wake made her inaugural speech.

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

**18 ADJOURNMENT** — Mr Leane 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 6.26 p.m., adjourned until tomorrow.

ANNE SARGENT  
Acting Clerk of the Legislative Council