



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 138 — Friday, 3 December 2021

*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:
    - Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 116 (Gazette No. S675, 30 November 2021).
    - Victorian Equal Opportunity and Human Rights Commission — 2020 Report on the Operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).
  - 3 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 8 February 2022.  
Question — put and agreed to.
  - 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 683, be postponed until later this day.
  - 5 **PANDEMIC DECLARATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE MEMBERSHIP** — Ms Symes moved, That contingent upon the coming into operation of the Public Health and Wellbeing Amendment (Pandemic Management) Act 2021 and the making of a pandemic declaration in relation to SARS-CoV-2, Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing be members of the Pandemic Declaration Accountability and Oversight Committee.  
Debate ensued.  
Mr Davis moved, as an amendment, That after “Mr Erdogan” **insert** “, Mr Rich-Phillips,”.  
Debate ensued.  
Question — That the amendment moved by Mr Davis be agreed to — put.  
The Council divided — The President in the Chair.
    - AYES, 12  
Dr Bach; Ms Bath; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; 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, 24  
Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; 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.  
Original question — put and agreed to.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 691, be postponed until later this day.

**7 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Dr Bach 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 there has been more time to consult with affected stakeholders.”.

Debate ensued.

Amendments proposed to be moved in Committee by Ms Maxwell and Dr Ratnam were circulated.

*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:

- **Hydroelectricity dams** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Tuesday, 7 December 2021.
- **Ambulance Victoria – WorkSafe** — substantive question asked by Ms Crozier — response from Ms Stitt due Monday, 6 December 2021.
- **CHO health advice** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Tuesday, 7 December 2021.

**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 7 September 2021.

**10 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021** — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Dr Bach*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until there has been more time to consult with affected stakeholders.”.

Dr Cumming moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn until the completion of the passage of the Religious Discrimination Bill 2021 in both Houses of the Australian Parliament.”.

Debate ensued.

Question — That the reasoned amendment moved by Dr Cumming be agreed to — put and negated.

Question — That the reasoned amendment moved by Dr Bach be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mrs McArthur; Mr Ondarchie; Mr Rich-Phillips.

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

NOES, 24

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Mr Quilty; 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 negated.

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

The Council divided — The President in the Chair.

## AYES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; 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)*

## NOES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; 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)*

Question agreed to.

Bill read a second time.

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

Ms Maxwell moved, That it be an instruction to the Committee that they have the power to consider amendments to amend the **Equal Opportunity Act 2010** to provide for the Commission to review the programs and practices of any government department, public authority, State owned enterprise or municipal council on request of either House of the Parliament, or a Minister, and to disclose reports of documents relating to the review if it is in the public interest.

Question — put and agreed to.

Bill committed to a Committee of the whole.

*Business having been interrupted at 4.00 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 Tierney 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 Symes 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, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; 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 Vaghela; Ms Watt.

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

## NOES, 12

Dr Bach; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; 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)*

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.

**11 ADJOURNMENT** — Ms Symes 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 5.44 p.m., adjourned until Tuesday, 8 February 2022.

ANDREW YOUNG  
*Clerk of the Legislative Council*