



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 118 — Wednesday, 8 September 2021

*Proof Version*

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- 1 The President took the Chair at 9.05 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **PETITION — BREAST SCREENING PROGRAM** — Mr Davis presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women’s health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.  
Ordered to lie on the Table.
  - 3 **ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO EXPANDING MELBOURNE’S FREE TRAM ZONE** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee’s Report on the Inquiry into expanding Melbourne’s free tram zone.
  - 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:  
Auditor-General’s Report on Managing Conflicts of Interest in Procurement, September 2021  
(*Ordered to be published*).
  - 5 **RIGHT OF REPLY — MR MARK DIXON, CEO, CITY OF WODONGA** — Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Mark Dixon, CEO, City of Wodonga, relating to comments made by Mr Tim Quilty MLC, during the Adjournment debate on 5 August 2021.  
Ordered to lie on the Table and to be published.
  - 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 **TRANSPORT LEGISLATION AMENDMENT (TRANSPORT PLAN) BILL 2021** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Dr Ratnam, the second reading speech was incorporated into Hansard.  
Dr Ratnam moved, That the Bill be now read a second time.  
On the motion of Ms Taylor, the debate was adjourned for two weeks.
  - 8 **MEMBERS OF PARLIAMENT (STANDARDS) AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.  
Ms Tierney moved, That the question, That the Bill be now read a second time, be put on the next day of meeting.  
Question — put.

The Council divided — The President in the Chair.

AYES, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmir; Mr Erdogan; Mr Finn; Mr Grimley; Dr Kieu; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; 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, 3

Mr Hayes; Mr Limbrick; Mr Quilty.

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

Question agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 610, be postponed until later this day.

**10 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH** — Ms Crozier moved, That this House —

- (1) expresses its concern at the widespread mental health impacts of the Government's public health orders and lockdowns; and
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all reports and datasets compiled in 2021 by the Victorian Agency for Health Information concerning the mental health of Victorians, including the reports titled 'MH and AoD treatment services in Victoria'.

Debate ensued.

*Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council of 7 September 2021 —*

**11 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:

- **Community corrections orders enforcement** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 10 September 2021.
- **East Gippsland emergency services training** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 9 September 2021.

**12 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.

**13 PRODUCTION OF DOCUMENTS — VICTORIAN AGENCY FOR HEALTH INFORMATION'S DATA ON MENTAL HEALTH** — Debate resumed on the question, That this House —

- (1) expresses its concern at the widespread mental health impacts of the Government's public health orders and lockdowns; and
- (2) requires, in accordance with Standing Order 11.01, the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all reports and datasets compiled in 2021 by the Victorian Agency for Health Information concerning the mental health of Victorians, including the reports titled 'MH and AoD treatment services in Victoria'.

Question — put and agreed to.

**14 WEST GATE TUNNEL PROJECT** — Mr Davis moved, That this House —

- (1) notes the material released in August 2021 by Transurban on the West Gate Tunnel (WGT) Project to investors, including that —

- (a) tunnelling has not commenced as a result of disputes arising between the project parties;
- (b) project completion in 2023 is no longer achievable and, due to continued uncertainty in relation to the resolution of commercial matters and timing for commencement of tunnelling, a further update on the expected project completion date cannot be provided at this stage;
- (c) the contracted total cost of the project was \$6.7 billion, with estimates of additional costs to complete the project differing among project parties and remaining uncertain, however based on preliminary independent analysis, Transurban estimates the D&C subcontractors' construction costs could increase by \$3.3 billion, with the D&C subcontractors' claims being higher;
- (d) in order to reach a commercial settlement, Transurban believes all project parties would be required to make a meaningful financial contribution;
- (2) further notes the WGT Project, a Transurban market led proposal, was signed in December 2017 and was subject to a report by the Victorian Auditor-General;
- (3) further notes the mismanagement of the WGT Project by the Andrews Labor Government, a project that is now late, over budget and the subject of legal dispute;
- (4) insists that the State Government pay no more than the contracted amount and not further extend any toll concession; and
- (5) calls for a pause on the collection of WGT related tolls levied on existing CityLink roads.

On the motion of Mr Finn, the debate was adjourned until the next day of meeting.

**15 SALE OF ILLICIT TOBACCO IN VICTORIA** — Ms Maxwell moved, That this House —

- (1) expresses concern at the proliferation of illicit tobacco in Victoria;
- (2) acknowledges the criminal implications arising from the sale of illegal tobacco and the impact on law-abiding tobacco retailers;
- (3) recognises opportunities to strengthen state responses to the retail sale of illicit tobacco in Victoria; and
- (4) calls on the Government to explain what action is being taken to disrupt and halt black market tobacco distribution sales in Victoria.

Debate ensued.

Question — put and agreed to.

**16 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 earlier this day.

And then the Council, at 2.10 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*