



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 120 — Tuesday, 14 September 2021

Proof Version

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- 1 The President took the Chair at 9.08 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly:
 - Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021*
 - Energy Legislation Amendment Act 2021*
 - Police Informants Royal Commission Implementation Monitor Act 2021.*
 - 3 **TEMPORARY ORDERS — GENERAL BUSINESS TIME LIMITS** — Mr Davis moved, by leave, That temporary order no. 5, agreed to by the House on 7 September 2021, be revoked and replaced with the following —
 1. **Time limits — General Business**

Sessional Order 8 is suspended and the following time limits for General Business will apply —

General Business (Standing Order 5.07)

Total time	60 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

Question — put and agreed to.
 - 4 **TEMPORARY ORDERS — STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Mr Davis moved, by leave, That the resolution of the House agreed to on 7 September 2021 be amended as follows —
 1. **Order of Business — Wednesday**

The Order of Business on Wednesday outlined in temporary order no. 3, be replaced with the following —

 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business
 - At 11.00 a.m.** Questions
 - Constituency Questions (up to 15 Members)

General Business

Statements on reports, papers and petitions (by incorporation only)

At 2.00 p.m. Adjournment (up to 20 Members)

2. Business to be incorporated only in Hansard

- (1) In addition to business that may be incorporated in Hansard under temporary order no. 7, Members shall submit their contribution to Statements on reports, papers and petitions by providing them electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House.
- (2) The House authorises and requires matters to be published in Hansard at the point in the order of business that the item would have occurred.
- (3) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.
- (4) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

Debate ensued.

Question — put and agreed to.

5 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021— 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.

6 LIQUOR CONTROL REFORM AMENDMENT BILL 2021— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to reform the categories of licences authorising the supply of liquor including the introduction of a new licence category, to address the risks of large packaged liquor outlets in order to reduce harm, to make amendments to the review of decisions, to abolish dry areas and to make other related amendments to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned until the next day of meeting.

7 OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994 and the Workplace Injury Rehabilitation and Compensation Act 2013 in relation to labour hire arrangements, insurance and indemnities, notice requirements and the powers of certain persons and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

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

- 8 RACING AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to remove the prohibition on racing on Good Friday and make other minor and technical amendments* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 9 SOCIAL SERVICES REGULATION BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Social Services Regulator and the worker and carer exclusion scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Dr Bach), by leave, the debate was adjourned until later this day.

10 PETITIONS —

RESTRICT DEVELOPMENT IN ROSANNA UNDER BANYULE PLANNING SCHEME AMENDMENT C160 — Mr Atkinson presented a Petition bearing 1,824 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restrict any further development of land within the Rosanna railway precinct under Banyule Planning Scheme Amendment C160 and planning permit application P384/2021 until a maximum building height of four storeys with no reduction to car parking requirements is applied.

Ordered to lie on the Table.

On the motion of Mr Atkinson, the petition was ordered to be taken into consideration on the next day of meeting.

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ALLOW A SAFE RETURN TO GOLF DURING LOCKDOWN — Mr Davis presented a Petition bearing 653 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately implement COVIDSafe Plans that will allow playing golf within imposed travel limits during COVID-19 lockdowns.

Ordered to lie on the Table.

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BREAST SCREENING PROGRAM — Mr Davis presented a Petition bearing 16 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.

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STOP THE PROPOSED SKY RAIL AT PARKDALE — Mr Davis presented a Petition bearing 2,881 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop work on the proposed sky rail at Parkdale, conduct community consultation that includes local residents, small businesses and the South East Community Forum and ensure that level crossings at Warrigal Road, Mentone and Parkdale Railway Station are placed underground.

Ordered to lie on the Table.

On the motion of Mr Davis, the petition was ordered to be taken into consideration on the next day of meeting.

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KEEP SCHOOLS OPEN DURING COVID-19 LOCKDOWNS — Mr Limbrick presented a Petition bearing 1,777 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to keep schools open during COVID-19 lockdowns by using mitigation measures such as personal hygiene, cleaning, improved ventilation and physical distancing and implementing a traffic light system, if required.

Ordered to lie on the Table.

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PRESERVE HMAS OTAMA FOR VICTORIAN TOURISM — Mr O'Donohue presented a Petition bearing 705 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to facilitate bringing the decommissioned submarine HMAS Otama ashore and establish a permanent display at Crib Point, in the vicinity of the Crib Point Jetty and Western Port Oberon Association Museum situated at 220 The Esplanade.

Ordered to lie on the Table.

11 PAPERS —

ELECTORAL MATTERS COMMITTEE — INQUIRY INTO THE IMPACT OF SOCIAL MEDIA ON VICTORIAN ELECTIONS AND VICTORIA'S ELECTORAL ADMINISTRATION —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Tarlamis presented a Report from the Electoral Matters Committee on the Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration (including Appendices and Extracts of Proceedings), together with Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Tarlamis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 11 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2020 —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the Annual Review 2020 on Regulations and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

Mr Gepp moved, That the Council take note of the Report.

Question — put and agreed to.

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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Liquor Control Reform Act 1998 — Report, 2020-21 by the Chief Commissioner of Victoria Police, under section 148R.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Greater Bendigo Planning Scheme — Amendment C243.

Hobsons Bay Planning Scheme — Amendment C126.

Macedon Ranges Planning Scheme — Amendment C131.

Maroondah Planning Scheme — Amendment C131.

Monash Planning Scheme — Amendment C156.

A Statutory Rule under the Victorian Civil and Administrative Tribunal Act 1998 — No. 114.

12 BUSINESS OF THE COUNCIL — Mr Grimley moved, by leave, That precedence be given to the following General Business on Wednesday, 15 September 2021 —

- (1) Order of the Day No. 6, second reading of the Bail Amendment (Reducing Pre-Trial Imprisonment of Women, Aboriginal, and Vulnerable Persons) Bill 2021;
- (2) Notice of motion No. 619, standing in the name of Mr Meddick on the use of whips in horse racing;
- (3) Notice of motion No. 621, standing in the name of Mr Davis on the Government's failure to produce the Victorian Equal Opportunity and Human Rights Commission's review into discrimination, sexual harassment and victimisation in the Country Fire Authority and Metropolitan Fire Brigade;
- (4) Order of the Day No. 61, resumption of debate on a motion on the West Gate Tunnel Project;
- (5) Notice of motion No. 622, standing in the name of Mr Grimley on WorkSafe's non-established, new and emerging treatments and services; and
- (6) Notice of motion No. 554, standing in the name of Mr Grimley on identity theft.

Question — put and agreed to.

13 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.

14 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Ms Bath 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 the Government has released the amended Code of Practice for Timber Production."

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

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

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

VACCINATION RATES FOR EARLY CHILDHOOD EDUCATORS — Ms Stitt having given answers to a question without notice and supplementary question relating to the vaccination rates for early childhood educators —

On the motion of Dr Bach, 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:

- **Vaccination status of future hospital patients** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 16 September 2021.
- **Learner driver training** — substantive and supplementary questions asked by Mr Grimley — response from Ms Pulford due Thursday, 16 September 2021.
- **Plan for returned travellers** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Symes due Thursday, 16 September 2021.
- **Vaccination rollout in northern suburbs** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Thursday, 16 September 2021.

16 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.

17 FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT) BILL 2019 —

Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Ms Bath*, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until the Government has released the amended Code of Practice for Timber Production.”.

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

Question — That the reasoned amendment moved by Ms Bath be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; 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, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; 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.

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

The Council divided — The President in the Chair.

AYES, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; 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)

NOES, 16

Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; 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 and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 2.00 p.m. pursuant to an Order of the Council of 7 September 2021 —

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

18 ADJOURNMENT — Ms Pulford 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 2.19 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council