



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 64 — Wednesday, 17 June 2020

Proof Version

-
- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS —**
2018-19 SUSTAINABILITY FUND ACTIVITIES REPORT — Ms Pulford moved, by leave, That there be laid before this House a copy of 2018-19 Sustainability Fund Activities Report.
Question — put and agreed to.
The Report was presented by Ms Pulford and ordered to lie on the Table.
* * * * *
- 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 —
 - Protecting Critically Endangered Grasslands, June 2020 (*Ordered to be published*).
 - Responses to Performance Audit Recommendations 2015-16 to 2017 18, June 2020 (*Ordered to be published*).
 - Environment Protection Act 1970 — Sustainability Fund Guidelines, 2020.
 - Falls Creek Alpine Resort Management Board — Report, 2019.
 - Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2019.
 - Mount Hotham Alpine Resort Management Board — Report, 2019.
 - Planning and Environment Act 1987 —
 - Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.
 - Whittlesea Planning Scheme Amendment C203.
 - Southern Alpine Resort Management Board — Report, 2019.
- 3 **LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Shing and Mr Tarlamis be participating members of the Standing Committee on Legal and Social Issues.
Debate ensued.
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **OMBUDSMAN REFERRAL — ALLEGATIONS CONCERNING 'BRANCH STACKING'** —
Mr Davis moved, That this House —
(1) pursuant to section 16 of the Ombudsman Act 1973 refers the following matter to the Ombudsman for investigation and report:
(a) allegations aired on *60 Minutes* and in *The Age* that the Hon Adem Somyurek MLC, and other Ministers misused Members' staff and other budget entitlements against the

provisions of relevant statutes, guides and rules of the Parliament of Victoria for internal Australian Labor Party purposes, including ‘branch stacking’;

- (b) any other breach of applicable policies, laws or codes in relation to these allegations;
- (2) supports other relevant Victorian authorities, including the Independent Broad-based Anti-Corruption Commission (IBAC) investigating these allegations for potential corrupt behaviour and breaches of the Crimes Act 1958 and other Victorian laws;
- (3) and requires the Clerk to write to the Victorian Ombudsman and the IBAC Commissioner to convey the terms of this Resolution.

Debate ensued.

Question — put and agreed to.

6 WILDLIFE RESCUE VICTORIA BILL 2020 — Debate resumed, That the Bill be now read a second time.

Ms Bath moved, as a reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

Debate ensued.

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

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

ALLEGATIONS OF ‘BRANCH STACKING’ — REFERRAL TO POLICE — Ms Symes having given answers to a question without notice and supplementary question relating to referring allegations of ‘branch stacking’ to Victoria Police —

On the motion of Mr Davis, 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 and answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Grants funding to multicultural groups** — substantive and supplementary questions asked by Mr Davis — response from Ms Mikakos due Friday, 19 June 2020.
- **Taxi regulator cooperation with police investigation** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 June 2020.

8 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

9 WILDLIFE RESCUE VICTORIA BILL 2020 — 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 with the view of inserting in their place “this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report, by 1 November 2020, on the failure of the Government to provide adequate support and assistance to Victorian wildlife and wildlife rescue during the 2019-20 bushfires and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

On the motion of Ms Shing, the debate was adjourned until later this day.

10 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL SOIL — Mr Davis moved, That this House —

(1) notes —

- (a) the difficulties in identifying a suitable and safe location for the permanent storage of the PFAS-contaminated waste spoil from the West Gate Tunnel Project;

- (b) the identification as part of the project's Environmental Effects Statement process of potentially contaminated soil, including PFAS-contaminated soil;
- (2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before Wednesday, 22 July 2020, any documents in the possession of the Minister for Planning or his office, the Minister for Transport Infrastructure or her office, the Department of Transport, the Department of Environment, Land, Water and Planning or the Environment Protection Authority (EPA), relating to —
- (a) policies, scientific papers and assessments on the disposal of contaminated soil, specifically soil/spoil removed from tunnelling works including PFAS-contaminated spoil from the West Gate Tunnel Project;
 - (b) any and all assessments and examinations of contaminated soil/spoil, including those relating to the West Gate Tunnel Project and the Metro Tunnel Project;
 - (c) correspondence, including emails, to and from government, including Ministers, to the EPA on these matters in the last 18 months, including, but not limited to —
 - (i) soil and reuse management plans including the —
 - (aa) West Gate Tunnel Project: West Zone PFAS Data Summary;
 - (bb) West Gate Tunnel Project All Zone PFAS Classification Application;
 - (cc) West Gate Tunnel Project East Zone PFAS Classification to EPA Victoria;
 - (dd) Soil and Spoil Management Plan: West Gate Tunnel Project, dated January 2018;
 - (ee) West Gate Tunnel Project Zone 400 East Major Project Classification Process Stockpile Management;
 - (ff) West Gate Tunnel Project Major Project Classification Process Storage Management: Cat A;
 - (gg) West Gate Tunnel Project Zone 302 Sampling Analysis Quality Plan Attachment 1 Tunnel Spoil Management Plan;
 - (hh) JC201 Tech Memo 010 Tunnel Spoil Management Framework;
 - (ii) waste soil classifications;
 - (iii) internal assessment reports which document the justification for issuing classifications;
 - (iv) supporting emails, drafts and reviews of each assessment report and classification prior to issuing of the classification document; and
 - (v) the EPA, the Department of Environment, Land, Water and Planning and the Department of Transport planning assessments, including impacts on homes, agriculture, waterways, schools and other community facilities, of proposed locations for the permanent storage of PFAS-contaminated spoil, including at the Maddingley Brown Coal site near Bacchus Marsh, the Ravenhall site and the Bulla site.

Debate ensued.

Question — put and agreed to.

11 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENTS — Mr Davis moved, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
 - (a) whether the two agreements between the People's Republic of China and the Victorian Government, also known as the 'Belt and Road Initiative', are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
 - (b) the details and background of the proposed further agreement linked to the 'Belt and Road Initiative' and whether these are in the public interest of all Victorians;
 - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia's foreign affairs and trade;
 - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government

may seek to sign and report to the Parliament in a timely way to keep the Parliament of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;

- (2) the Committee shall consist of —
 - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
 - (b) four Council Members, comprising two Members from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) the Chair of the Committee must be a non-Government Member;
- (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (9) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
- (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

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.

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

13 AMENDMENT 123 TO THE UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AND WHITTLESEA PLANNING SCHEME AMENDMENT C20 — Ms Symes moved, That —

- (1) pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment 123 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved; and
- (2) pursuant to section 46AH of the *Planning and Environment Act 1987*, Whittlesea Planning Scheme Amendment C203 be ratified.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

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

NOES, 4

Dr Cumming; 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.

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 6.41 p.m., adjourned until tomorrow.

ANDREW YOUNG

Clerk of the Legislative Council