



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 114 — Wednesday, 4 August 2021

Proof Version

1 The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

NO SECONDARY LEAD SMELTER IN HAZELWOOD NORTH — Ms Bath presented a Petition bearing 102 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke the planning approval for the Used Lead Acid Battery recycling facility in Hazelwood North and prioritise the health, safety and wellbeing of Hazelwood North residents and the Latrobe Valley community, honouring their Health Innovation Zone commitment.

Ordered to lie on the Table.

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BREAST SCREENING PROGRAM — Ms Crozier presented a Petition bearing 109 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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SAFE ACCESS TO WONTHAGGI SECONDARY COLLEGE — Mr O'Donohue presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund and build, as a matter of urgency, the necessary infrastructure to ensure students, parents and the broader school community have safe access to the new junior secondary campus at Wonthaggi Secondary College in San Remo, when it opens in 2022.

Ordered to lie on the Table.

3 **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 Report on Integrated Transport Planning, August 2021 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 8 July 2021 giving approval to the granting of a licence at Gasworks Park Reserve.

Minister's Orders of 18 July 2021 giving approval to the granting of leases at —
Pakenham Bushland Reserve.

Williamstown Botanic Gardens Reserve.

Ombudsman — The Ombudsman for Human Rights: A Casebook, August 2021 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of Approval of an amendment to the Victoria Planning Provisions — Amendment VC206.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 63 and 77.

4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.13.

5 MEMBERS OF PARLIAMENT (STANDARDS) AMENDMENT BILL 2021 — Dr Cumming laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Cumming moved, That the Bill be now read a second time.

On the motion of Ms Taylor, the debate was adjourned for two weeks.

6 OMBUDSMAN REFERRAL — PUBLIC OPINION POLLING CONTRACTS — Mr Davis moved, That under section 16 of the *Ombudsman Act 1973*, this House refers the following matters to the Ombudsman for investigation and report —

- (1) allegations raised in recent articles published in *The Australian*, which allege, based on documents obtained via freedom of information requests, that the Premier's Private Office was involved in the authorisation of procurement of public opinion polling contracts in favour of QDOS Research, a company headed by Mr John Armitage, in breach of normal, and expected procurement rules;
- (2) whether the Premier's Private Office directed the nature of questions asked in public opinion research, which would be a breach of public sector governance and Westminster protocols and conventions; and
- (3) if a breach is found to have occurred, whether this raises concerns surrounding the probity of the Department of Premier and Cabinet's decisions and advice on public opinion research and polling and whether this taxpayer funded research is being used for party political purposes rather than to inform the advice of senior public servants to government in the public interest.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty.
(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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 Watt.

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

Question negatived.

7 CROWN CASINO — Mr O'Donohue moved, That —

- (1) this House —
 - (a) notes the allegations regarding the regulation of Crown Casino and criticisms of the performance of the current regulatory regime;
 - (b) further notes allegations regarding the Victorian Commission for Gambling and Liquor Regulation's failure to investigate the possible corruption of AFL betting markets;
 - (c) calls on the Andrews Labor Government to amend the Terms of Reference for the Finkelstein Royal Commission into the Casino Operator and Licence, within seven days of the House agreeing to this resolution, by inserting a paragraph that states "If you consider the casino regulatory regime, including the regulator, the Victorian Commission for Gambling and Liquor Regulation, suitable and whether you consider changes relevant to the casino regulatory regime are required";

- (d) further notes the findings of recent New South Wales inquiries into Crown Casino under section 143 of the Casino Control Act 1992 (NSW);
- (e) further notes the findings of Commissioner Patricia Bergin and the recommendations concerning Crown Resorts and the more general recommendations for a new regulatory body, an independent Casino Control Commission, that should be established via legislation to act as a dedicated, stand alone, specialist casino regulator with the powers of a standing royal commission;
- (2) if no variation of the Terms of Reference pursuant to paragraph (1)(c) has been gazetted within seven days of the House agreeing to this resolution, as advised to Members by the Clerk, a Select Committee be established to inquire into, consider and report, by 20 December 2021, on the implications of the Bergin Inquiry findings with respect to the existing Crown Casino licence in Victoria and casino regulation more generally in Victoria and the regulator's failure to investigate the possible corruption of AFL betting markets;
- (3) if the Committee proposes to transmit a report for the Inquiry to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —
- (a) the Clerk must —
- (i) as soon as practicable after the report is received give a copy of the report to each Member of the House;
 - (ii) as soon as practicable after the report is received cause the report to be published on the Tabled Documents Database and the Committee's website;
 - (iii) cause the report to be tabled in the House on the next sitting day of the House;
- (b) the report, when given to the Clerk, is taken to have been published by order of the House;
- (4) the Committee shall consist of seven Members comprising three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
- (6) the Chair of the Committee must be a non-Government Member;
- (7) 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;
- (8) the Committee shall proceed to conduct business within seven days of its establishment, notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (9) the Committee may examine, call for, and compel evidence in relation to the Victorian Commission for Gambling and Liquor Regulation's recently announced, self-established investigation;
- (10) consistent with the powers of the Legislative Council, the Committee may —
- (a) compel witnesses to attend the Committee;
 - (b) require the production of documents and other things; and
- (11) 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.

Debate ensued.

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:

- **Taxi industry** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 6 August 2021.

- **Court case backlog — adjournments** — substantive question asked by Ms Maxwell — response from Ms Symes due Thursday, 5 August 2021.

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

10 CROWN CASINO — Debate continued on the question, That —

- (1) this House —
 - (a) notes the allegations regarding the regulation of Crown Casino and criticisms of the performance of the current regulatory regime;
 - (b) further notes allegations regarding the Victorian Commission for Gambling and Liquor Regulation's failure to investigate the possible corruption of AFL betting markets;
 - (c) calls on the Andrews Labor Government to amend the Terms of Reference for the Finkelstein Royal Commission into the Casino Operator and Licence, within seven days of the House agreeing to this resolution, by inserting a paragraph that states "If you consider the casino regulatory regime, including the regulator, the Victorian Commission for Gambling and Liquor Regulation, suitable and whether you consider changes relevant to the casino regulatory regime are required";
 - (d) further notes the findings of recent New South Wales inquiries into Crown Casino under section 143 of the Casino Control Act 1992 (NSW);
 - (e) further notes the findings of Commissioner Patricia Bergin and the recommendations concerning Crown Resorts and the more general recommendations for a new regulatory body, an independent Casino Control Commission, that should be established via legislation to act as a dedicated, stand alone, specialist casino regulator with the powers of a standing royal commission;
- (2) if no variation of the Terms of Reference pursuant to paragraph (1)(c) has been gazetted within seven days of the House agreeing to this resolution, as advised to Members by the Clerk, a Select Committee be established to inquire into, consider and report, by 20 December 2021, on the implications of the Bergin Inquiry findings with respect to the existing Crown Casino licence in Victoria and casino regulation more generally in Victoria and the regulator's failure to investigate the possible corruption of AFL betting markets;
- (3) if the Committee proposes to transmit a report for the Inquiry to the House on a day when the House is not sitting, the Chair may give the report to the Clerk and —
 - (a) the Clerk must —
 - (i) as soon as practicable after the report is received give a copy of the report to each Member of the House;
 - (ii) as soon as practicable after the report is received cause the report to be published on the Tabled Documents Database and the Committee's website;
 - (iii) cause the report to be tabled in the House on the next sitting day of the House;
 - (b) the report, when given to the Clerk, is taken to have been published by order of the House;
- (4) the Committee shall consist of seven Members comprising three Members from the Government nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council and two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (5) a majority of the Members appointed pursuant to paragraph (4) will constitute a quorum of the Committee;
- (6) the Chair of the Committee must be a non-Government Member;
- (7) 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;
- (8) the Committee shall proceed to conduct business within seven days of its establishment, notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (9) the Committee may examine, call for, and compel evidence in relation to the Victorian Commission for Gambling and Liquor Regulation's recently announced, self-established investigation;
- (10) consistent with the powers of the Legislative Council, the Committee may —

- (a) compel witnesses to attend the Committee;
 - (b) require the production of documents and other things; and
- (11) 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.

The Acting 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, 16

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam.

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

NOES, 21

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; 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 negatived.

11 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, General Business, No. 2, be postponed until later this day.

12 SESSIONAL ORDERS — COMMENCEMENT OF SITTING DAY PROCEEDINGS — Ms Patten moved, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

1. Sitting and Adjournment of the Council

Standing Order 4.02 is suspended and replaced with the following:

The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum* of Members is present, and Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.

Standing Order 4.05(1) is suspended and replaced with the following:

The President will take the Chair as soon after the time appointed for the meeting of the Council as a quorum* of Members is present, and Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.

* To constitute a quorum there must be present (inclusive of the President) one-third at least of the Members of the Council [See section 32(1) of the *Constitution Act 1975*].

2. Broadcasting, Recording and Photography of Proceedings

Standing Order 20.02(4) is suspended and replaced with the following:

Visual and/or sound recordings and excerpts of visual and/or sound recordings must not commence until the President or Deputy President takes the Chair and must conclude on the adjournment of the Council or as soon as the Chair is vacated for a suspension of proceedings.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Mr Meddick moved, as amendments —

1. In paragraph (1) in relation to the suspension of Standing Order 4.02, **omit** the words after “of Members is present,” and **insert** “the President will make an Acknowledgement of Country after which Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.”.

2. In paragraph (1) in relation to the suspension of Standing Order 4.05(1), **omit** the words after “of Members is present,” and **insert** “the President will make an Acknowledgement of Country after which Members will stand in silence and pray or reflect on their responsibilities to the people of Victoria.”.

Debate ensued.

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

13 PUBLIC HEALTH AND WELLBEING AMENDMENT (GREATER TRANSPARENCY AND ACCOUNTABILITY) BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

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 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; Ms Garrett; Mr Gepp; Dr Kieu; Mr Leane; 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 Watt.

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

Question negated.

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

15 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS 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.

16 ADJOURNMENT — Mr Leane moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.30 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council