



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 158 — Wednesday, 25 May 2022

*Proof Version*

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- 1 The President took the Chair at 9.33 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:
- Independent Review Panel — Report on the Keno Licensing Project, May 2022, under section 10.2A.11 of the Gambling Regulation Act 2003 (*Ordered to be published*).
  - Planning and Environment Act 1987 — Notice of Approval of an amendment to the Golden Plains Planning Scheme — Amendment C100.
  - Public Health and Wellbeing Act 2008 — Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —
    - 12 April 2022.
    - 22 April 2022.
  - Land Tax Act 2005 — Treasurer’s Report for 1 July 2021 to 31 December 2021 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.
- 3 **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.
- 4 **FIREFIGHTERS’ PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2022** — Ms Maxwell laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Ms Maxwell moved, That the Bill be now read a second time.  
On the motion of Ms Taylor, the debate was adjourned for two weeks.
- 5 **ASHTON REVIEW INTO THE CAPABILITIES OF THE EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY** — Ms Crozier moved, That this House —
- (1) notes —
    - (a) the Ashton review into the capabilities of the Emergency Services Telecommunications Authority (ESTA) and its call-taking failures does not adequately grapple with the serious, urgent and life-threatening issues at ESTA, appearing to not seriously or properly engage with deaths caused, in whole or in part, by ESTA’s failings;
    - (b) that the Ashton review instead provides a set of recommendations focussed on ‘cultural reform’, ‘rebranding’, ‘partnerships’, ‘strategic roadmaps’ and ‘management plans’, which is management speak that fails to grapple with the life and death issues involved or to provide an urgent solution to ensure that the triple zero call taking service meets all benchmarks, provides adequate services and stops unacceptable delays and the unnecessary deaths of Victorians; and
  - (2) calls on ESTA to publicly release weekly performance reports from 1 July 2022.
- Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; 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, 19

Mr Barton; Mr Elasmarr; 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 Vaghela; Ms Watt.

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

Question negatived.

**6 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Mr Davis moved, That this House —

(1) notes that —

- (a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;
- (b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —
  - (i) Operation Watts,
  - (ii) Operation Sandon;
  - (iii) Operation Richmond;
- (c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and

calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

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.

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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:

- **Drug checking service** — substantive question asked by Ms Patten — response from Ms Symes due Friday, 27 May 2022.
- **Community hospitals – election promise** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 27 May 2022.
- **Alcohol and drug treatment funding** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Friday, 27 May 2022.
- **Firearms registry** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Friday, 27 May 2022.

**8 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.

**9 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Debate continued on the question, That this House —

(1) notes that —

(a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;

(b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —

(i) Operation Watts,

(ii) Operation Sandon;

(iii) Operation Richmond;

(c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and

calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

On the motion of Mr Rich-Phillips, the debate was adjourned until later this day.

**10 ESTABLISHMENT OF A ROYAL COMMISSION INTO THE INTEGRITY OF COVID-19 PUBLIC HEALTH DIRECTIONS** — Mr Quilty moved, That this House —

(1) notes that the Government's response to the COVID-19 pandemic has caused significant harm to Victorians, including —

(a) the loss of liberty and violation of human rights;

(b) economic hardship, debt, and consumption of savings;

(c) the deterioration of mental and physical health;

(d) damage to the reputation of public institutions;

(e) reduction in the enjoyment of life;

(f) other expected future harms;

(2) further notes that the Government's response to the COVID-19 pandemic was largely executed unilaterally using public health powers under the *Public Health and Wellbeing Act 2008*;

(3) calls on the Government to establish a Royal Commission to —

(a) investigate the integrity of COVID-19 public health directions, including —

(i) the evidentiary basis for the directions;

(ii) the consideration of expected harms caused by the directions;

(iii) the influence the Government had on directions issued by the Chief Health Officer;

(b) investigate human rights violations that resulted from COVID-19 public health directions;

(c) examine the harms and expected future harms caused by COVID-19 public health directions; and

(d) provide recommendations to protect Victorians against harms caused by the Government as a result of the use of emergency powers, pandemic powers and any other related powers.

Debate ensued.

Question — put and agreed to.

**11 FUNDING OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN OMBUDSMAN** — Debate resumed on the question, That this House —

(1) notes that —

- (a) Ms Harriet Shing MLC, Chair of the Integrity and Oversight Committee, has now twice intervened to block testimony to the Integrity and Oversight Committee from independent officers of the Parliament, the Independent Broad-based Anti-corruption Commission's (IBAC) Commissioner, Hon Robert Redlich AM QC, and the Victorian Ombudsman, Ms Deborah Glass OBE;
- (b) this occurred concurrently with the Victorian Ombudsman's inquiry into the politicisation of the Victorian public service and with the following three IBAC corruption investigations into the Andrews Labor Government —
  - (i) Operation Watts,
  - (ii) Operation Sandon;
  - (iii) Operation Richmond;
- (c) the Andrews Labor Government has failed to adequately fund IBAC and the Victorian Ombudsman, with funding increases for IBAC being conditional on the completion of a review of their office and the Victorian Ombudsman only being provided with an additional \$700,000 through a one-off Treasurer's advance; and

calls on the Government to provide an immediate injection of funds for IBAC and the Victorian Ombudsman to ensure a lack of funding does not prevent the completion of these inquiries prior to the November 2022 state election.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

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

NOES, 20

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

**12 PRODUCTION OF DOCUMENTS — CORRESPONDENCE BETWEEN THE PREMIER AND MR JOHN WOODMAN** — Debate resumed on the question, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the House agreeing to this resolution, all emails and other correspondence since 4 December 2014 between the Premier or the Office of the Premier and —

(1) Mr John Woodman;

(2) Mr John Woodman's employees; and

(3) Mr John Woodman's companies.

Question — put and agreed to.

**13 VICTORIAN BUILDING AUTHORITY FEE INCREASES** — Mr Davis moved, That this House —

(1) calls on the Andrews Labor Government to reverse its decision to massively increase registration charges on builders, building companies, building surveyors and others from 2 May 2022; and

(2) notes that these Victorian Building Authority fee increases are an unjustified imposition on the building and construction sector that will add to the cost of housing.

Debate ensued.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Leane.*

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

**15 ADJOURNMENT** — Mr Leane 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 6.09 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*