



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 111 — Wednesday, 23 June 2021

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- 1 The President took the Chair at 9.34 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:
 - Auditor-General's Report on Responses to Performance Audit Recommendations: Annual Status Update, June 2021 (*Ordered to be published*).
 - Parliamentary Budget Officer Act 2017 — Operational Plan 2021-22: Priorities and protocols.
 - Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rules Nos. 47 and 48.
 - Legislative instruments and related documents under section 16B in respect of —
 - Environment Reference Standard of 25 May 2021, under the Environment Protection Act 2017.
 - Revocation of Notifiable Chemicals Order (Arsenic and Arsenic Compounds) of 25 May 2021, under the Environment Protection Act 1970.
 - Revocation of Notifiable Chemicals Order (Chlorine Compounds) of 25 May 2021, under the Environment Protection Act 1970.
 - 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
 - 4 **REVOCAION OF VICTORIA PLANNING PROVISIONS AMENDMENTS VC194 AND VC198** — Mr Davis moved, That this House —
 - (1) notes that —
 - (a) the Minister for Planning, on 25 March 2021 gazetted, and on 29 April 2021 tabled, Amendment VC194 to the Victoria Planning Provisions (VPP);
 - (b) Amendment VC194 inserts two new provisions at clauses 52.30 and 52.31 that facilitate state projects and local government projects;
 - (c) the Minister for Planning, on 14 May 2021 gazetted, and on 25 May 2021 tabled, Amendment VC198 to the VPP;
 - (d) Amendment VC198 introduces new provisions at clauses 52.35 – Major Road Projects and 52.36 – Rail Projects and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria;
 - (e) both Amendment VC194 and Amendment VC198 diminish notification requirements for local communities and remove appeal rights from local communities; and
 - (2) pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendments VC194 and VC198 to the Victoria Planning Provisions.
- Debate ensued.

The 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, 17

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

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

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; 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.

5 REDUCING DRUG AND ALCOHOL RECIDIVISM — Mr Grimley moved, That this House —

(1) notes that —

- (a) alcohol and other drugs greatly contribute to recidivism by offenders;
- (b) many courts, including drug courts, that use drug and alcohol testing and alcohol monitoring technology, have seen a reduction in alcohol and other drug-related crimes;
- (c) drug and alcohol testing and monitoring can provide offenders with incentives to abstain from alcohol and the ability to provide wraparound services;
- (d) Victoria already offers some regular testing programs, including SCRAM Continuous Alcohol Monitoring for parolees;
- (e) New Zealand's Alcohol and Other Drug Testing (AODT) Community Trial, and other jurisdictional equivalents, could be considered for use in Victoria, potentially through a sentencing deferral option;

(2) calls on the Government to investigate reforms to our legal system, including —

- (a) New Zealand's AODT program that was rolled out nationwide in March 2021;
- (b) the 24/7 Sobriety Program, which is a 'swift, certain and fair' approach to reducing recidivism in alcohol and other drug offenders, which has been operating in South Dakota since 2005; and
- (c) the use of SCRAM Continuous Alcohol Monitoring technology, which is being rolled out across the United Kingdom, as a potential sentencing option by courts.

Debate ensued.

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

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

AUSTRALIAN DEFENCE FORCE — EMERGENCY MANAGEMENT CAPACITY — Ms Symes having given answers to a question without notice and supplementary question relating to the Australian Defence Force's emergency management capacity —

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.

PAYROLL TAX COSTS FOR UNIVERSITIES — Ms Tierney having given answers to a question without notice and supplementary question relating to payroll tax costs for universities —

On the motion of Ms Crozier, 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.

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

- **Game Management Authority – fines** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 25 June 2021.
- **Traralgon flood warning** — substantive and supplementary questions asked by Ms Bath — response from Ms Tierney due Friday, 25 June 2021.
- **Medicinal cannabis – return to work rules** — substantive and supplementary questions asked by Ms Patten — response from Ms Stitt due Thursday, 24 June 2021.
- **VicRoads use of funds** — substantive and supplementary questions asked by Mr Bourman — response from Ms Symes due Friday, 25 June 2021.
- **Glenormiston Agricultural College land** — supplementary question asked by Mrs McArthur — response from Ms Tierney due Friday, 25 June 2021.

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

8 REDUCING DRUG AND ALCOHOL RECIDIVISM — Debate continued on the question, That this House —

(1) notes that —

- (a) alcohol and other drugs greatly contribute to recidivism by offenders;
- (b) many courts, including drug courts, that use drug and alcohol testing and alcohol monitoring technology, have seen a reduction in alcohol and other drug-related crimes;
- (c) drug and alcohol testing and monitoring can provide offenders with incentives to abstain from alcohol and the ability to provide wraparound services;
- (d) Victoria already offers some regular testing programs, including SCRAM Continuous Alcohol Monitoring for parolees;
- (e) New Zealand's Alcohol and Other Drug Testing (AODT) Community Trial, and other jurisdictional equivalents, could be considered for use in Victoria, potentially through a sentencing deferral option;

(2) calls on the Government to investigate reforms to our legal system, including —

- (a) New Zealand's AODT program that was rolled out nationwide in March 2021;
- (b) the 24/7 Sobriety Program, which is a 'swift, certain and fair' approach to reducing recidivism in alcohol and other drug offenders, which has been operating in South Dakota since 2005; and
- (c) the use of SCRAM Continuous Alcohol Monitoring technology, which is being rolled out across the United Kingdom, as a potential sentencing option by courts.

Question — put and agreed to.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 490, be postponed until later this day.

10 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.

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

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

12 ADJOURNMENT — Ms Pulford 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 6.25 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council