



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 45 — Wednesday, 27 November 2019

Proof Version

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

2 **PETITIONS —**

INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management.

Ordered to lie on the Table.

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INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 274 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management.

Ordered to lie on the Table.

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BENDIGO HOSPITAL FUNDING — Ms Lovell presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding to improve the management of Bendigo Hospital, including the appointment of more staff, and fund emergency departments at surrounding hospitals in order to control the high volume of people requiring healthcare in and around Bendigo.

Ordered to lie on the Table.

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

3 **PAPERS —**

VICTORIAN LAW REFORM COMMISSION — NEIGHBOURHOOD TREE DISPUTES REPORT — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission's Neighbourhood Tree Disputes Report, July 2019.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RECYCLING AND WASTE MANAGEMENT — Pursuant to Standing Order 23.29, Mr Melhem laid on the Table the Final Report from the Environment and Planning Committee on the Inquiry into Recycling and Waste Management (including Appendices, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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 —

Market-led Proposals, November 2019 (*Ordered to be published*).

Results of 2018-19 Audits: Local Government, November 2019 (*Ordered to be published*).

Commission for Children and Young People — In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system, November 2019 (*Ordered to be published*).

Emergency Services Superannuation Board (ESSSuper) — Report, 2018-19 (*in lieu of that tabled 17 October 2019*).

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2018-19.

Port of Hastings Development Authority — Report, 2018-19.

Victorian Inspectorate — Report 1 January to 30 June 2019, pursuant to section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

- 4 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECTS** — The Clerk laid on the Table 29 documents in full, 13 documents in part and a schedule of the 43 documents identified in response to the Resolution of the Council of 20 February 2019 relating to the West Gate Tunnel Project.

The Clerk further laid on the Table a letter from the Attorney-General, dated 26 November 2019, making a claim of executive privilege in relation to nine documents in full.

- 5 PRODUCTION OF DOCUMENTS — TOORAK ROAD, KOOYONG LEVEL CROSSING REMOVAL PROJECT** — The Clerk laid on the Table 10 documents in full, 5 documents in part and a schedule of the 22 documents identified in response to the Resolution of the Council of 20 February 2019 relating to the Toorak Road, Kooyong Level Crossing Removal Project.

The Clerk further laid on the Table a letter from the Attorney-General, dated 26 November 2019, making a claim of executive privilege in relation to seven documents in full.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 CRIMES AMENDMENT (ABOLITION OF BLASPHEMY) BILL 2019** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC SECTOR AND INFRASTRUCTURE WORKS** — Mr Davis moved, That this House —

(1) requires the Economy and Infrastructure Committee to inquire into, consider and report, at least every September, on public sector infrastructure and public works projects, including current and past infrastructure projects and proposals and in particular —

(a) projects relating to the removal of railway level crossings;

(b) the Melbourne Metro Rail Project;

(c) the Westgate Tunnel Project;

(d) the North East Link Project;

(e) the Murray Basin Rail Project;

(f) the Suburban Rail Loop Project;

(g) the Regional Rail Revival Project;

(h) other public sector infrastructure or public works projects the Committee determines appropriate;

(2) requires the Committee to consult, where appropriate, with Infrastructure Victoria and examine and report on the adherence, or otherwise, of projects to their respective business cases, and the strengths and weaknesses of project business cases and for the purposes of this Inquiry —

(a) "public sector infrastructure" and "public works projects" mean work —

- (i) exceeding \$10 million in present value, which are carried out by, or on behalf of, or under contract to the Crown, any Government Department or any public authority;
 - (ii) for or towards the carrying out of which money is provided by the State; and
- (b) the Committee shall, insofar as it is consistent with the Standing Orders and powers of the Legislative Council and its Committees, have the same powers as conferred upon the Public Works Committee by the *Public Works Committee Act 1958* as it was in force on 1 August 1982.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

9 PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS — Mr Davis moved, That this House —

- (1) notes that for many years the Victorian Government publicly released bushfire fuel load maps;
- (2) further notes that the Government has failed in recent years to publicly release these important maps;

and, in accordance with Standing Order 11.01, requires that the fuel load maps produced by the Victorian Government in the last three financial years, including the most recently produced maps be tabled in the Legislative Council on or before Wednesday, 11 December 2019.

Question — put and agreed to.

10 SALE OF FURS IN VICTORIA — Mr Meddick moved, That this House —

- (1) condemns —
 - (a) the sale of real fur from raccoon or raccoon dogs that are illegally labelled as faux at markets across Melbourne;
 - (b) the sale of illegally mislabelled rabbit fur proven to be raccoon or raccoon dog fur at markets across Melbourne;
- (2) notes that —
 - (a) animals suffer tremendously in the fur trade;
 - (b) Queen Elizabeth recently rid her wardrobe of fur in light of the growing fur-free movement;
 - (c) countries, states and cities around the world are passing laws to ban the sale of fur;
 - (d) a growing number of fashion labels have opted to stop using real fur in their collections citing animal cruelty for the decision;
- (3) calls on the Government to —
 - (a) investigate markets and stores flouting labelling laws across Victoria; and
 - (b) consider banning the sale of new furs in Victoria.

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

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

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a written response be provided to a question without notice pursuant to Standing Order 8.07 as follows:

- **Councils and emergency management** — supplementary question asked by Ms Maxwell — response from Mr Somyurek due Thursday, 28 November 2019.

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

13 SALE OF FURS IN VICTORIA — Debate continued on the question, That this House —

- (1) condemns —
 - (a) the sale of real fur from raccoon or raccoon dogs that are illegally labelled as faux at markets across Melbourne;
 - (b) the sale of illegally mislabelled rabbit fur proven to be raccoon or raccoon dog fur at markets across Melbourne;

- (2) notes that —
- (a) animals suffer tremendously in the fur trade;
 - (b) Queen Elizabeth recently rid her wardrobe of fur in light of the growing fur-free movement;
 - (c) countries, states and cities around the world are passing laws to ban the sale of fur;
 - (d) a growing number of fashion labels have opted to stop using real fur in their collections citing animal cruelty for the decision;
- (3) calls on the Government to —
- (a) investigate markets and stores flouting labelling laws across Victoria; and
 - (b) consider banning the sale of new furs in Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Dr Cumming; Mr Elasmr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(Tellers: Mr Hayes and Dr Kieu)

NOES, 13

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.
(Tellers: Mr Rich-Phillips and Ms Wooldridge)

Question agreed to.

14 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 221, be postponed until later this day.

15 USE OF DRUG DETECTION DOGS AT MUSIC FESTIVALS — Mr Limbrick moved, That this House —

- (1) notes —
- (a) the importance of Melbourne's night life economy and the important contribution of music and arts festivals to regional tourism;
 - (b) that the NSW Ombudsman's 2016 report on the *Review of the Police Powers (Drug Detection Dogs) Act 2001* found that over 70 per cent of searches following a drug detection dog indication resulted in no illicit substances being found and only 0.19 per cent resulted in a successful prosecution for supply offences;
- (2) further notes the State Coroner's Court of New South Wales' coronial inquest into festival deaths conducted this year found evidence that —
- (a) intensive and punitive drug policing operations targeting users and low-level dealers generally increase, rather than decrease drug related risks and harms;
 - (b) the current methods of policing are damaging young people's perception of the police; and calls on the Government to implement recommendation 50 from the Law Reform, Road and Community Safety Committee's 2018 Report on the *Inquiry into Drug Law Reform* which required "Victoria Police [to] commission an independent evaluation of the use of drug detection dogs at music festivals and other public spaces to determine their effectiveness in deterring the use and trafficking of illicit substances, and any unintended consequences or risk of harms resulting from this strategy".

Debate ensued.

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, 9

Dr Cumming; Mr Grimley; Mr Hayes; Mr Limbrick; Mr Maxwell; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.
(Tellers: Mr Grimley and Mr Limbrick)

NOES, 29

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.
(Tellers: Ms Stitt and Ms Terpstra)

Question negatived.

16 MESSAGE FROM ASSEMBLY — JOINT STANDING ORDER — The President read a Message from the Assembly informing the Council that they have agreed to new Joint Standing Order 25 to take effect immediately on the Council's agreement:

25 Joint sittings under the Victorian Gambling Foundation Act 2011

- (1) A member, addressing the Chair, may propose a member or members to be elected to the Board of the Victorian Responsible Gambling Foundation and any such proposal must be seconded. When a member is proposed, the proposer must state that such member is willing to accept nomination.
- (2) If no more than the required number of members are proposed and seconded, the Chair will declare such members as having been elected.
- (3) If more than the required number of members are proposed and seconded in respect of the vacancies, the members will be elected by ballot.
- (4) After the ballot, the Chair will declare the member or members elected to the Foundation and will advise the responsible minister of the result of the election.

and seeks the agreement of the Council.

Ms Tierney moved, That the Message be taken into consideration on the next day of meeting.

Question — put and agreed to.

17 WORLD AIDS DAY — Mr Meddick moved, That this House —

- (1) notes that —
 - (a) World AIDS Day is on the first of December every year and is recognised internationally;
 - (b) this is a day to show our support for people with HIV, to commemorate people who we have lost to the epidemic and to raise awareness of the AIDS pandemic caused by the spread of HIV;
 - (c) the uptake of treatment as prevention and frequent testing has seen HIV transmission decline to a near two decade low; and
- (2) acknowledges the ongoing advocacy, particularly of gay and bisexual men, in their efforts to increase education and reduce stigma surrounding HIV and AIDS.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —

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

19 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 6.20 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council