



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 137 — Thursday, 2 December 2021

Proof Version

1 The President took the Chair at 10.08 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021** — The President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Ms Symes moved, That the Message be referred to the Committee of the whole on the Bill later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; 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)

NOES, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; 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)

Question agreed to.

3 **PETITIONS** —

REJECT THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021 — Ms Bath presented a Petition bearing 703 signatures from certain citizens of Victoria requesting that the Legislative Council reject the flawed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

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NO SKY RAIL ON THE FRANKSTON LINE — Mr Davis presented a Petition bearing 730 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately rule out sky rail for the Frankston line, ensure that level crossings at Cheltenham, Mentone, Edithvale, Bonbeach, Carrum, Seaford and Frankston are placed underground and consult with the community on upgrades to infrastructure at stations where level crossings have not been removed, such as Parkdale and Mordialloc.

Ordered to lie on the Table.

PREVENT LOCAL COUNCILS ACCEPTING UNSOLICITED LAND PROPOSALS — Mr Hayes presented a Petition bearing 1,690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop work on the proposed sky rail at Parkdale, conduct community consultation that includes local residents and small businesses and ensure that the level crossings at Warrigal Road, Mentone and Parkdale Railway Station are placed underground.

Ordered to lie on the Table.

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OPPOSE THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021 — Ms Lovell presented a Petition bearing 379 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

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REVERSE DECISION TO TURN RECREATIONAL LAND INTO NATIONAL PARKS — Ms Lovell presented a Petition bearing 2,148 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the Victorian Environment Assessment Council's decision to turn recreational land such as the greater Lerderderg and Wombat State Forest into national parks.

Ordered to lie on the Table.

4 PAPERS —

ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA — Pursuant to Standing Order 23.29, Ms Terpstra presented a Report from the Environment and Planning Committee on the Inquiry into ecosystem decline in Victoria (including an Appendix, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

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

Ms Terpstra moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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 —

Council Waste Management Services, December 2021 (*Ordered to be published*).

Results of 2020–21 Audits: Local Government, December 2021 (*Ordered to be published*).

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2020-21 report.

Emerald Tourist Railway Board — Report, 2020-21.

Environment Protection Authority (EPA) — Report, 2020-21.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.

Infrastructure Victoria Act 2015 — Victorian Infrastructure Plan 2021 — Government Response, under section 37 of the Act.

LanguageLoop — Report, 2020-21.

Metropolitan Waste and Resource Recovery Group — Report, 2020-21.

A Statutory Rule under the Supreme Court Act 1986 — No. 144.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 150.

Surveyors Registration Board of Victoria — Minister's report of receipt of the 2020-21 report.

Sustainability Victoria — Report, 2020-21.

Trust for Nature (Victoria) — Report, 2020-21.

Victorian Commission for Gambling and Liquor Regulation — Report, 2020-21.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an assessment of forest values in the Immediate Protection Areas in the Strathbogie Ranges and Mirboo North, under section 26C of the Act.

Victorian Inspectorate —

Report, 2019-20, under section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.

Report, 2019-20, under section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report, 2019-20, under section 74P of the Wildlife Act 1975 in relation to the Department of Environment, Land, Water and Planning.

Report, 2019-20, under section 74P of the Wildlife Act 1975 in relation the Game Management Authority.

Report, 2019-20, under section 131T of the Fisheries Act 1995 in relation to the Victorian Fisheries Authority.

Victorian Plantations Corporation — Report, 2020-21.

Victorian Rail Track (VicTrack) — Report, 2020-21 (*in lieu of that tabled on 28 October 2021*).

Victorian Responsible Gambling Foundation — Report, 2020-21.

Victoria State Emergency Service Authority (SES) — Report, 2020-21.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of the 2020-21 report, together with an explanation for the delay.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Essential Services Commission (Compliance and Enforcement Power) Amendment Act 2021 — Remaining Provisions — 1 December 2021 (*Gazette No. S673, 30 November 2021*).

Justice Legislation Amendment (Criminal Appeals) Act 2019 — Division 1 of Part 2 — 4 December 2021 (*Gazette No. S673, 30 November 2021*).

5 JOINT SITTING — CASUAL COUNCIL VACANCY, VACANCY IN THE SENATE — Mr Davis moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to —

(1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue;

(2) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan;

and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Thursday, 2 December 2021 at 4.45 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

6 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.

7 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021 — Postponed clauses and amendments made by the Assembly on the suggestion of the Council further considered in Committee of the whole.

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:

- **Fox and wild dog bounty program** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Monday, 6 December 2021.

- **VicForests funding** — substantive and supplementary questions asked by Mr Hayes — response from Mr Leane due Monday, 6 December 2021.
- **Container deposit scheme non-disclosure** — substantive and supplementary questions asked by Mrs McArthur — response from Mr Leane due Friday, 3 December 2021.
- **Cancer screening services** — substantive and supplementary questions asked by Mr Quilty — response from Ms Symes due Monday, 6 December 2021.

9 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.

10 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021 — Postponed clauses and amendments made by the Assembly on the suggestion of the Council further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Symes moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; 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)

NOES, 18

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Mr Somyurek.

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

Question agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill, including the amendments made by the Assembly on the suggestion of the Committee of the whole Council, with amendments and requesting their agreement.

11 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 4.45 p.m. pursuant to an Order of the Council earlier this day —

12 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY, VACANCY IN THE SENATE — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Thursday, 2 December 2021 at 4.45 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to —

- (1) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan; and
- (2) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Edward O'Donohue.

Accordingly, the Council immediately proceeded to the Assembly Chamber, and having returned —

13 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

14 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

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

15 MEAL BREAK — Ordered — That the meal break scheduled for this day, pursuant to Sessional Order 1, be altered from 60 minutes to 45 minutes.

[Sitting suspended from 6.27 p.m. to 7.15 p.m.]

16 JOINT SITTING — SENATE VACANCY — The President reported that the House met with the Legislative Assembly to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Scott Ryan and that Mr Greg Mirabella was chosen to hold the vacant place in the Senate.

17 JOINT SITTING — CASUAL COUNCIL VACANCY — The President reported that the House met with the Legislative Assembly to choose a person to hold the seat in the Legislative Council rendered vacant by resignation of the Honourable Edward O'Donohue and that Ms Cathrine Burnett-Wake was elected to hold the vacant place in the Legislative Council.

18 NEW MEMBER — DECLARATION OF ALLEGIANCE — Ms Cathrine Burnett-Wake, having been introduced, approached the Table and took and subscribed the Affirmation required by law.

19 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Leane moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The Deputy President in the Chair.

AYES, 32

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; 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)

NOES, 2

Mr Limbrick; Mr Quilty.

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

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

20 COMMITTEE MEMBERSHIP — Mr Davis moved, by leave, That —

(1) Ms Lovell be discharged from the Standing Committee on Legal and Social Issues;

(2) Ms Burnett-Wake be a member of the Standing Committee on Legal and Social Issues;

(3) Ms Lovell be a participating member of the Standing Committee on Legal and Social Issues; and

(4) Ms Burnett-Wake be a participating member of the Standing Committee on the Environment and Planning.

Question — put and agreed to.

21 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021

— The President read a Message from the Assembly informing the Council that they have agreed to amendments made by the Council in this Bill.

22 DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS) BILL 2021

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 to improve the process for reuniting pets with their owners and to make other miscellaneous and consequential amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Ms Bath), the debate was adjourned for one week.

23 MAJOR EVENTS LEGISLATION AMENDMENT (UNAUTHORISED TICKET PACKAGES AND OTHER MATTERS) BILL 2021

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Events Act 2009 to prevent the unauthorised advertising and sale of ticket packages for sports ticketing events and ticketed events to which a major event ticketing declaration applies and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

24 SERVICE VICTORIA AMENDMENT BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Service Victoria Act 2018 to expand the ability of Service Victoria to deliver Government services to the public and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

25 ADJOURNMENT — Ms Tierney 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 10.33 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council