



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
No. 91 — Thursday, 4 February 2021
Proof Version

1 The President took the Chair at 10.06 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITION — ANNOUNCE THE 2021 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 2,244 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to announce a full season with a full bag limit for the 2021 duck hunting season as soon as possible.

Ordered to lie on the Table.

3 **PAPERS** —

CHILDREN'S COURT OF VICTORIA REPORT, 2019-20 — Ms Symes presented, by Command of the Governor, the Children's Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

* * * * *

COUNTY COURT OF VICTORIA REPORT, 2019-20 — Ms Symes presented, by Command of the Governor, the County Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

* * * * *

MAGISTRATES' COURT OF VICTORIA REPORT, 2019-20 — Ms Symes presented, by Command of the Governor, the Magistrates' Court of Victoria Report, 2019-20.

Report ordered to lie on the Table.

* * * * *

JUDICIAL COLLEGE OF VICTORIA REPORT, 2019-20 — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2019-20.

Question — put and agreed to.

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

* * * * *

VICTORIAN GOVERNMENT REPORT 2020 ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE — Ms Symes moved, by leave, That there be laid before this House a copy of the Victorian Government Report 2020 on the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question — put and agreed to.

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

* * * * *

LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE LEGAL AND SOCIAL ISSUES COMMITTEE INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the

Government Response to the Legal and Social Issues Committee's Inquiry into the closure of I Cook Foods Pty Ltd.

* * * * *

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Coroners Court of Victoria — Report, 2019-20.

Court Services Victoria — Report, 2019-20.

Criminal Organisations Control Act 2012 — Report, 2019-20, under section 133 by Victoria Police.

Drugs, Poisons and Controlled Substances Act 1981 — Minister's Notice regarding the amendment, commencement and availability of the Poisons Code, under sections 12 and 12E of the Act.

Judicial Commission of Victoria — Report, 2019-20.

Office of Public Prosecutions — Report, 2019-20.

Professional Standards Council of Victoria — Report, 2019-20, together with an explanation for the delay.

Sentencing Advisory Council — Report, 2019-20.

Victorian Civil and Administrative Tribunal — Report, 2019-20.

Victorian Equal Opportunity and Human Rights Commission — Report, 2019-20 (*Ordered to be published*).

Victorian Law Reform Commission — Report, 2019-20 (*Ordered to be published*).

4 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 15 September 2020.

5 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 403 to 447 be postponed until later this day.

6 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until further urgent consultation is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues."

Debate ensued.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

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.

* * * * *

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

- **Glen Eira heritage protection** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 8 February 2021.

- **Surrey Hills and Mont Albert Train Station merge** — substantive and supplementary questions asked by Dr Bach — response from Ms Pulford due Monday, 8 February 2021.
- **COVID-19 restrictions infringements** — substantive question asked by Ms Patten — response from Ms Symes due Friday, 5 February 2021.
- **Delays in jury trials** — substantive question asked by Mr O'Donohue — response from Ms Symes due Monday, 8 February 2021.

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 15 September 2020.

9 CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020 — Debate continued on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Mr O'Donohue*, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until further urgent consultation is undertaken with all stakeholders and the inherent significant issues with the Bill can be addressed and appropriate amendments urgently made, including express clarification of —

- (1) the rights of children and their parents, particularly in relation to seeking assistance with gender identity and sexual orientation issues including gender dysphoria;
- (2) the legal competence of children under 18 years of age, to provide informed consent for gender transitioning hormonal drug treatment, the puberty blocker treatment;
- (3) the rights of individuals to voluntarily seek assistance for gender identity and sexual orientation issues including via pastoral care and faith organisation counselling services;
- (4) the rights of faith organisations to provide such pastoral care and counselling services to individuals who voluntarily seek assistance; and
- (5) the rights of health care professionals to provide assistance and care to individuals who seek help for gender identity or sexual orientation issues."

Amendments proposed to be moved in Committee by Dr Cumming were circulated.

Question — That the reasoned amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

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 O'Donohue; Mr Quilty.

(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; Ms Garrett; 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.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; 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, 6

Mr Bourman; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; 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 second time.

Mr O'Donohue moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by Wednesday, 31 March 2021, on the Change or Suppression (Conversion) Practice Prohibition Bill 2020, including but not limited to, an examination of the potential implications for Victorians of the December 2020 UK High Court decision in *Quincy Bell and A v Tavistock and Portman NHS Trust and others [2020] EWHC 3274 (Admin)*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

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

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

NOES, 22

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

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

Question negated.

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended, and the House resolved to take a 30-minute meal break immediately.

[Sitting suspended from 6.15 p.m. to 6.45 p.m.]

Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Bill reported without amendment, 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, 27

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Dr Kieu; Mr Leane; Ms Lovell; Mr Meddick; Mr Melhem; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; 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, 9

Mr Bourman; Dr Cumming; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Maxwell; Mrs McArthur; 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.

10 SITTING OF THE COUNCIL — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 16 February 2021.

Question — put and agreed to.

11 SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS)

BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to further provide for the duties, functions and powers of the Victorian Institute of Teaching in relation to the approval of a program or course of study that leads to qualifying as a teacher, to amend the process for investigating the conduct, competence and fitness to teach of teachers and early childhood teachers, to make amendments in relation to teacher registration, to further provide for the disclosure and collection of information, to amend the Minister's powers to issue policies, guidelines or directions to the Victorian Institute of Teaching, to make consequential and other minor amendment and for other purposes* and requesting the agreement of the Council.

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

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

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

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

12 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2020 — The

President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to further provide for the duties, functions and powers of the Victorian Institute of Teaching in relation to the approval of a program or course of study that leads to qualifying as a teacher, to amend the process for investigating the conduct, competence and fitness to teach of teachers and early childhood teachers, to make amendments in relation to teacher registration, to further provide for the disclosure and collection of information, to amend the Minister's powers to issue policies, guidelines or directions to the Victorian Institute of Teaching, to make consequential and other minor amendments and for other purposes* and requesting the agreement of the Council.

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

Ms Stitt 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 Stitt, the second reading speech was incorporated into Hansard.

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

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

13 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020 — The President read a Message from the Assembly

presenting *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for a provisional payments scheme for workplace mental injuries, to make corresponding and consequential amendments to the Accident Compensation Act 1985 and certain Acts that provide for personal injury compensation for volunteers, and to make other minor and technical amendments, and for other purposes* and requesting the agreement of the Council.

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

Ms Stitt 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 Stitt, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

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

Ms Stitt made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

14 ADJOURNMENT — Ms Stitt 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 11.19 p.m., adjourned until Tuesday, 16 February 2021.

ANDREW YOUNG
Clerk of the Legislative Council