



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 117 — Tuesday, 7 September 2021

Proof Version

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- 1 The President took the Chair at 9.08 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **TEMPORARY ORDERS** — Ms Symes moved, by leave, That Standing, Sessional and Temporary Orders be suspended to the extent necessary to allow certain temporary arrangements to come into effect immediately and remain in place until the House resolves otherwise —
 1. **Definition of Chamber**

The lower public galleries, President's lower galleries and the lower side galleries are taken to be part of the Legislative Council Chamber.
 2. **Days and hours of meeting**

Unless otherwise ordered by the Council the days and hours of meeting of the Council will be —

 - (a) Tuesday at 9.00 a.m.;
 - (b) Wednesday at 9.00 a.m.; and
 - (c) Thursday at 9.00 a.m..
 3. **Order of Business**

The Order of Business on Tuesday will be —

 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - Government Business
 - At 11.00 a.m.** Questions
 - Constituency Questions (up to 15 Members)
 - Government Business
 - At 2.00 p.m.** Adjournment (up to 20 Members)

The Order of Business on Wednesday will be —

 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business
 - At 11.00 a.m.** Questions
 - Constituency Questions (up to 15 Members)
 - General Business
 - At 2.00 p.m.** Adjournment (up to 20 Members)

The Order of Business on Thursday will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 11.00 a.m. Questions

Constituency Questions (up to 15 Members)

Government Business

At 2.00 p.m. Adjournment (up to 20 Members).

4. Member not in the Chamber when called on

- (1) When the Chair calls a Member and they are not in the Chamber, the Chair will ring the bells for up to three minutes to give that Member time to attend the Chamber.
- (2) The Chair will request the bells be stopped when the Member returns to their place or at the conclusion of three minutes, whichever is sooner.
- (3) If after three minutes the Member is not in their place, the Chair will call on another Member (if there are any) or will put the question to the House or move to the next item of business.

5. Time limits — General Business

Sessional Order 8 is suspended and the following time limits for General Business will apply —

General Business (Standing Order 5.07)

Total time	80 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

6. Incorporation of notices of motion

- (1) Members may submit notices of motion in writing for publication on the Notice Paper.
- (2) Members may submit notices of motion by —
 - (a) providing them electronically to the Clerk (by email to council@parliament.vic.gov.au) by 10.00 a.m. on a sitting day; and
 - (b) stating that the notice is for incorporation and request that the motion be published on the Notice Paper.
- (3) The House authorises and requires notices of motion submitted in writing to be treated the same as any notices given verbally in the House.

7. Business that may be incorporated in Hansard

- (1) If a Member wishes to incorporate —
 - (a) Members' statements;
 - (b) constituency questions;
 - (c) adjournment debate matters;
 - (d) their second reading speech of any bills debated; and/or
 - (e) their contribution to any Government or General Business motion moved;
 they may provide them electronically to the Clerk (by email to council@parliament.vic.gov.au) by the adjournment of the House.
- (2) The Clerk may only accept matters up to the number allocated for that day and as allocated between the parties and independents, in conjunction with any matters verbally given in the House.
- (3) The House authorises and requires matters to be published in Hansard at the point in the proceedings/order of business that the item would have occurred.
- (4) All incorporated material to be published in Hansard is subject to the Hansard editorial policy.

- (5) If any submitted incorporated material contains unbecoming expressions or does not comply with the rules of debate, the President may direct that the matter be removed or amended before it is published.

8. Acting Presidents

- (1) In the event that the President and Deputy President are absent from duty during the sitting of the House (for whatever reason), Acting Presidents may perform the duties and exercise the authority of the President while presiding over proceedings of the Council.
- (2) During an adjournment of the Council, if both the President and Deputy President are absent from duty (for whatever reason), the President or Deputy President may, in writing to the Clerk, nominate an Acting President to perform all duties and exercise the authority of the President during this absence.

Debate ensued.

Question — put and agreed to.

3 PETITIONS —

BREAST SCREENING PROGRAM — Mr Davis presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

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PREVENT LOCAL COUNCILS ACCEPTING UNSOLICITED LAND PROPOSALS — Mr Hayes presented a Petition bearing 273 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Local Government to take action to prevent local councils from accepting unsolicited proposals to purchase land and from exchanging public land for infrastructure.

Ordered to lie on the Table.

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SUSPEND KANGAROO HARVEST AND IMPROVE COUNTING METHOD — Dr Ratnam presented a Petition bearing 487 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to suspend the 2021 Kangaroo Harvest Program (KHP), apply improved and accurate methods of counting kangaroos and move the Mornington Peninsula Shire Council out of the KHP Gippsland zone and place it in the Metropolitan Melbourne zone.

Ordered to lie on the Table.

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STOP SAND MINING IN THE LANG LANG TO GRANTVILLE FOREST CORRIDOR — Ms Shing presented a Petition bearing 2,719 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to place an immediate moratorium on sand mining work authorities within this fragile Lang Lang to Grantville forest corridor and ensure all existing remnant forest is protected from removal.

Ordered to lie on the Table.

- 4 RESIDENTIAL TENANCIES (COVID-19 EMERGENCY PROTECTIONS) AMENDMENT BILL 2021** — Dr Ratnam introduced *A Bill for an Act to temporarily amend the Residential Tenancies Act 1997 to provide extra protections for tenants affected by the COVID-19 pandemic and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 5 TRANSPORT LEGISLATION AMENDMENT (TRANSPORT PLAN) BILL 2021** — Dr Ratnam introduced *A Bill for an Act to amend the Transport Integration Act 2010 to require the transport plan to include a hierarchy of modes of transport and targets for the transport sector and for other purposes.*

On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

6 PAPERS —

HOMES VICTORIA GROUND LEASE MODEL PROJECT — PROJECT SUMMARY — Ms Stitt moved, by leave, That there be laid before this House a copy of Homes Victoria Ground Lease Model Project — Project Summary.

Question — put and agreed to.

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

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LEGAL AND SOCIAL ISSUES COMMITTEE — MANAGEMENT OF CHILD SEX OFFENDER INFORMATION — Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into management of child sex offender information (including Appendices and a Minority Report), together with Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PARLIAMENTARY BUDGET OFFICER — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented a Report from the Public Accounts and Estimates Committee on the Inquiry into the Parliamentary Budget Officer (including Appendices), together with Transcripts of Evidence.

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

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

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Watt presented Alert Digest No. 10 of 2021 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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AUDITOR-GENERAL — MAJOR INFRASTRUCTURE PROGRAM DELIVERY CAPABILITY —

Pursuant to section 59(4)(c) of the *Audit Act 1994*, and following the transmission of the report on 19 August 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Major Infrastructure Program Delivery Capability, August 2021.

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VICTORIA'S INFRASTRUCTURE STRATEGY 2021-2051 (INCLUDING APPENDICES) —

Pursuant to section 35(4)(c) of the *Infrastructure Victoria Act 2015*, and following the transmission of the report on 19 August 2021, the Clerk laid on the Table a copy of Victoria's infrastructure strategy 2021-2051 (including Appendices).

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AUDITOR-GENERAL — CLINICAL GOVERNANCE: DEPARTMENT OF HEALTH — Pursuant to section 59(4)(c) of the *Audit Act 1994*, and following the transmission of the report on 1 September 2021, the Clerk laid on the Table a copy of the Auditor-General's Report on Clinical Governance: Department of Health, September 2021.

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OFFICE OF THE INFORMATION COMMISSIONER — OWN-MOTION REPORT — Pursuant to section 61T(4)(c) of the *Freedom of Information Act 1982*, and following the transmission of the report on 1 September 2021, the Clerk laid on the Table a copy of the Office of the Information Commissioner's Report on Impediments to timely FOI and information release: own-motion investigation under s 61O of the *Freedom of Information Act 1982* (Vic).

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

Duties Act 2000 — Treasurer's Report for 1 January to 30 June 2021 of Foreign Purchaser Additional Duty Exemptions, under section 3E of the Act.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 20 August 2021 to not require the service of a notice of intention to acquire land, pursuant to section 7(1)(c) of the Act

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2021 (*Ordered to be published*).

Parliamentary Salaries, Allowances and Superannuation Act 1968 — Compliance Officer — Statement of Findings: Appeal of a decision to reject a claim under the Electorate Office and Communications Budget, under section 9H of the Act (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C351 and C359.

Brimbank Planning Scheme — Amendment C210.

Cardinia, Melton, Surf Coast and Wyndham Planning Schemes — Amendment GC190.

Casey Planning Scheme — Amendment C278.

Darebin Planning Scheme — Amendment C161.

East Gippsland Planning Scheme — Amendments C154 and C158.

Golden Plains Planning Scheme — Amendment C97.

Greater Shepparton Planning Scheme — Amendment C232.

Latrobe Planning Scheme — Amendment C130.

Macedon Ranges Planning Scheme — Amendment C126 (Part 1).

Maribyrnong Planning Scheme — Amendments C158, C159 and C161.

Melbourne Planning Scheme — Amendments C371 and C392.

Melton Planning Scheme — Amendment C218.

Mildura Planning Scheme — Amendment C112.

Mitchell Planning Scheme — Amendment C151.

Moreland Planning Scheme — Amendment C189.

Mornington Peninsula Planning Scheme — Amendments C253 and C285.

Nillumbik Planning Scheme — Amendment C139.

Nillumbik and Whittlesea Planning Schemes — Amendment GC92.

Port Phillip Planning Scheme — Amendments C167, C181 and C193.

Victoria Planning Provisions — Amendments VC171 and VC196.

Wangaratta Planning Scheme — Amendment C55.

Wyndham Planning Scheme — Amendment C241.

Yarra Planning Scheme — Amendments C270 and C295.

Yarra Ranges Planning Scheme — Amendment C177.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — Personal Safety Intervention Orders Act 2010 — No. 113.

Commercial Tenancy Relief Scheme Act 2021 — No. 103.

Conservation, Forests and Lands Act 1987 — No. 110.

County Court Act 1958 — No. 98.

Forests Act 1958 — No. 108.

Gene Technology Act 2001 — No. 94.

Land Act 1958 — Nos. 107 and 109.

Long Service Benefits Portability Act 2018 — No. 95.

Magistrates' Court Act 1989 — No. 102.

Magistrates' Court Act 1989 — Personal Safety Intervention Orders Act 2010 — No. 101.

Occupational Health and Safety Act 2004 — No. 112.

Personal Safety Intervention Orders Act 2010 — No. 99.

Planning and Environment Act 1987 — No. 100.

Professional Engineers Registration Act 2019 — No. 106.

- Public Health and Wellbeing Act 2008 — No. 96.
 Road Safety Act 1986 — No. 111.
 Supreme Court Act 1986 — Nos. 104 and 105.
 Victorian Energy Efficiency Target Act 2007 — No. 97.
 Subordinate Legislation Act 1994 —
 Documents under section 15 in respect of Statutory Rule Nos. 13/2020, 59, 60, 76, 80, 82, 83, 92, 95, 96, 98 to 102, 104 to 109 and 111 to 113.
 Legislative instruments and related documents under section 16B in respect of —
 Ministerial Direction No. 1 – Potentially Contaminated Land, of 15 August 2021, under the Planning and Environment Act 1987.
 Ministerial Order No. 1328 – Order Amending Ministerial Order No. 1038 – Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017 and Ministerial Order No. 1039 – School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017, of 27 July 2021, under the Education and Training Reform Act 2006.
 Victorian Electoral Commission — Report to Parliament on the 2020 Local Government elections, August 2021.
 Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, 1 January to 30 June 2021.

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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:

- Cemeteries and Crematoria Amendment Act 2021 — Parts 1, 2 and 4 — 15 November 2021 (*Gazette No. S460, 24 August 2021*).
 Justice Legislation Amendment (System Enhancement and Other Matters) Act 2021 — Part 22 — 9 August 2021 (*Gazette No. S420, 3 August 2021*).
 Transport Legislation Amendment Act 2020 — Sections 43, 44, 46, 47 and 48 — 25 August 2021 (*Gazette No. S460, 24 August 2021*) — Section 32(2) — 31 August 2021 (*Gazette No. S473, 31 August 2021*).
 Transport Legislation Miscellaneous Amendments Act 2021 — Division 3 of Part 8 — 25 August 2021 (*Gazette No. S460, 24 August 2021*).

7 BUSINESS OF THE COUNCIL — Ms Maxwell moved, by leave, That precedence be given to the following General Business on Wednesday, 8 September 2021 —

- (1) Order of the Day made this day, second reading of the Transport Legislation Amendment (Transport Plan) Bill 2021;
- (2) Order of the Day No. 1, resumption of debate on the second reading of the Members of Parliament (Standards) Amendment Bill 2021;
- (3) the notice of motion given this day by Dr Cumming referring a matter to the Legal and Social Issues Committee relating to the effects of COVID-19 on the physical and mental health of Victorians;
- (4) the notice of motion given this day by Ms Crozier on the production of documents relating to the Victorian Agency for Health Information's 2021 data detailing mental health impacts;
- (5) the notice of motion given this day by Mr Davis on the West Gate Tunnel Project; and
- (6) the notice of motion given this day by Ms Maxwell on illegal tobacco.

Question — put and agreed to.

8 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA — Ms Terpstra moved, by leave, That the resolutions of the Council of 30 October 2019, 17 March 2021 and 8 June 2021 and the resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 31 October 2021, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, be amended so as to now require the Committee to present its report by 18 November 2021.

Question — put and agreed to.

- 9 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA** — Ms Terpstra moved, by leave, That the resolution of the Council of 19 February 2020 and the resolution of the Committee of 1 June 2020 requiring the Environment and Planning Committee to inquire into, consider and report, by 31 August 2021, on actions to minimise the health impacts of air pollution in Victoria, be amended so as to now require the Committee to present its report by 28 October 2021.

Question — put and agreed to.

- 10 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 earlier this day.

- 11 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue, Ms Symes and Ms Patten were circulated.

Question — put and agreed to.

Business having been interrupted at 11.00 a.m. pursuant to an Order of the Council earlier this day —

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

PUBLIC HEALTH ORDERS — COMPLIANCE WITH COUNCIL ORDERS FOR DOCUMENTS — Ms Symes having given answers to a question without notice and supplementary question relating to compliance with Council orders for documents relating to public health orders —

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.

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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:

- **Regional tennis facility, Monash** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 9 September 2021.
- **Kangaroo processing facility, Inglewood** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Thursday, 9 September 2021.
- **Allied Health professionals support** — substantive question asked by Mr O'Donohue — response from Ms Pulford due Wednesday, 8 September 2021.
- **Offshore gas exploration** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Pulford due Wednesday, 8 September 2021.

- 13 BUSINESS OF THE HOUSE — REMOTE PARTICIPATION** — Dr Ratnam moved, by leave, That this House —

- (1) acknowledges the need to ensure that the sitting of the Victorian Parliament be conducted in a way that protects staff and Members of Parliament as much as possible from being exposed to COVID-19 and supports the participation of Members of Parliament who may be directly or indirectly impacted by the pandemic;
- (2) requires that the President present a written report to the House prior to the Adjournment Debate on Thursday, 9 September 2021 on the following —
 - (a) how the Chamber can facilitate remote participation of members;
 - (b) how voting can be conducted if a Member is unwell or isolating due to COVID-19 exposure;
 - (c) if there are any legal or constitutional impediments to remote participation and how these can be resolved;

- (d) if staggered hours between the Legislative Council and Legislative Assembly should continue for the remaining sitting schedule for 2021 and how this will be managed when the Council needs to extend sitting for the purposes of completing a debate;
- (3) further requires the President, in consultation with the Procedure Committee, to —
 - (a) develop a set of temporary orders that would enable a hybrid sitting to occur which permits remote participation and enables a Member's position on a question to be recorded;
 - (b) circulate a draft set of temporary orders to the Leader of the Government in the Council, the Leader of the Opposition in the Council, and Members representing the crossbench and independent parties, by 12.00 noon on the Friday preceding the next sitting week for feedback;
 - (c) circulate a final set of recommended temporary orders to all Members of the Council by 12.00 noon on the Monday of the sitting week;

and the President will, as a matter of precedence over all other business at the next sitting of the Council, permit any Member, by leave, to move that the recommended temporary orders be agreed to, and such question may be debated and amendments moved.

Debate ensued.

Question — put and agreed to.

14 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 earlier this day.

15 JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments

16 ADJOURNMENT — Ms Symes 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 earlier this day.

And then the Council, at 2.00 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council