



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 143 — Wednesday, 23 February 2022

Proof Version

-
- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **THE LATE DENISE MARGARET ALLEN** — The President advised the House of the death, on 22 January 2022, of Ms Denise Margaret Allen, Member of the Legislative Assembly for the Electoral District of Benalla from 2000 to 2002.
Members stood in their places as a mark of respect to the memory of the late Ms Denise Allen.
 - 3 **HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2022** — Dr Ratnam introduced *A Bill for an Act to amend the Charter of Human Rights and Responsibilities Act 2006 to establish a right to housing, to amend the Housing Act 1983 to set a target of ending homelessness in Victoria by 2030, to require a plan to be developed to meet the target and to require annual reporting on progress towards the target 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.
 - 4 **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 Business Continuity During COVID-19, February 2022 (*Ordered to be published*).
Crown Land (Reserves) Act 1978 — Minister's Order of 22 December 2021 giving approval to the granting of a licence at Flinders Foreshore Reserve.
 - 5 **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.
 - 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DECRIMINALISATION OF POSSESSION AND USE OF DRUGS OF DEPENDENCE) BILL 2022** — 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 Taylor, the debate was adjourned for two weeks.
 - 7 **ROAD SAFETY AMENDMENT (HOON EVENTS) BILL 2021** — Mr Grimley laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Grimley moved, That the Bill be now read a second time.
On the motion of Ms Taylor, the debate was adjourned for two weeks.

8 PRODUCTION OF DOCUMENTS — SOCIAL HOUSING TAX — Mr Davis moved, That this House —

- (1) expresses concern at the negative impact of the Andrews Labor Government's social housing tax on residential developments and housing affordability in Metropolitan Melbourne, Geelong, Bendigo and Ballarat; and
- (2) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, all modelling, business case documents, and other assessments or examinations relating to the impact of the new tax on housing affordability and the consequent capacity of young families to purchase a home.

Debate ensued.

Question — put and agreed to.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 709 and 708, be postponed until later this day.

10 MANDATORY MASK RULES — Ms Crozier (for Mr Davis) moved, That this House calls on the Andrews Labor Government to immediately remove mandatory mask rules in all indoor settings, including primary schools and for hospitality and retail employees, and only mandate that masks be worn in special narrow settings, such as in health care.

Debate ensued.

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.

* * * * *

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

- **Hotel accommodation program for homelessness** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Friday, 25 February 2022.
- **Air purification advice to schools** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 25 February 2022.
- **PFAS contamination in wetlands** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 25 February 2022.

12 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.

13 MANDATORY MASK RULES — Debate continued on the question, That this House calls on the Andrews Labor Government to immediately remove mandatory mask rules in all indoor settings, including primary schools and for hospitality and retail employees, and only mandate that masks be worn in special narrow settings, such as in health care.

Question — put and agreed to.

14 VACCINE MANDATE FOR WORKERS — Mr Limbrick moved, That this House —

- (1) notes that —
 - (a) the vaccine mandate for workers came into effect on 7 October 2021 with a deadline to receive the first dose of a COVID-19 vaccine on 22 October 2021;
 - (b) this has led to significant negative consequences, including workers being denied employment for four months;
 - (c) the Minister for Health notes in the Statement of Reasons, dated 12 January 2022, that the mandate may be particularly onerous for parents and may disproportionately affect women;
 - (d) in the *Acting Chief Health Officer (CHO) Advice to Minister for Health*, dated 10 January 2022, the Acting CHO notes that "I have considered a consistent one-size-fits-all approach to vaccination mandates for all workforces and even for the general community but, at this time, I do not consider this to be a proportionate response...";

- (e) in the 4 February 2022 article published in *The Conversation*, 'Is it time to rethink vaccine mandates for dining, fitness and events?', four out of five experts interviewed agreed that vaccine mandates should be reviewed;
 - (2) calls on the Government to immediately revoke the *Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 3)* and the *Pandemic (Open Premises) Order 2022 (No. 5)*;
 - (3) refers this motion to the Independent Pandemic Management Advisory Committee (IPMAC) and requests the IPMAC consider reviewing the pandemic orders identified in paragraph (2) and provide advice to the Minister for Health;
- and requires the Clerk to write to the Chair of the IPMAC to convey the terms of this Resolution.

Debate ensued.

Question — put and agreed to.

15 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REFERRALS — FINANCIAL POSITION OF WORKSAFE — OPERATIONS OF THE PORT OF MELBOURNE LEASE —

Mr Rich-Phillips (for Mr Davis) moved, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Public Accounts and Estimates Committee to inquire into, consider and report —

- (1) by 30 June 2022, on the financial position of WorkSafe and its administered WorkCover insurance scheme, including but not limited to the —
 - (a) financial sustainability of the scheme;
 - (b) ability of the scheme to assure employees that proper financial and medical support will be received into the future;
 - (c) level of premiums paid by employers;
 - (d) the impact of any potential increased premiums on employment state-wide;
- (2) by 30 September 2022, on the operations of the Port of Melbourne lease, including but not limited to —
 - (a) the impact on the price of consumer items due to the outcomes of the lease;
 - (b) the failure of the operators to comply with their obligations to run the port efficiently for the long-term interests of users and Victorian consumers;
 - (c) issues of significant and sustained non-compliance with the pricing order during the review period;
 - (d) why the Port of Melbourne's power has not been effectively constrained in relation to the process for setting or reviewing rents or associated payments payable by its tenants;
 - (e) the ability of current legislation, Port Concession Deed and other contractual arrangements to constrain the Port of Melbourne's power;
 - (f) the Port of Melbourne's use of a broad range of negotiation strategies and processes to drive higher rent outcomes that are not appropriate in a monopoly market, where tenants at the port face significant barriers in pursuing and securing alternative suppliers of suitable land;
 - (g) whether the Port of Melbourne's exercise of its power has caused material detriment; and
 - (h) whether further economic regulation is justified to ensure there is mitigation of the ability of the Port to exercise power through rent seeking.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Rich-Phillips.

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

17 ADJOURNMENT — Mr Leane 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 6.26 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council