



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 133 — Wednesday, 17 November 2021

*Proof Version*

1 The President took the Chair at 9.34 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

**SOUND WALL FOR DINGLEY BYPASS AT KARKAROOK PARK, HEATHERTON** — Dr Kieu presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to construct a sound wall on the southern side of the Dingley Bypass for a 500-metre stretch where it abuts Karkarook Park in Heatherton, and provide appropriate vegetation as additional sound absorption, visual appeal and an undisturbed habitat for small birds.

Ordered to lie on the Table.

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**CEASE GROUND AND AERIAL BRUMBY SHOOTING** — Mrs McArthur presented a Petition bearing 1,154 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abandon any action that utilises ground or aerial shooting of wild horses and introduce legislation to protect and conserve wild living brumby mobs which should involve a community advisory panel to provide guidance on retention of sustainable brumby mobs in National Parks with agreed numbers to be removed systematically with adequate time for rehoming and public adoption.

Ordered to lie on the Table.

3 **PAPERS —**

**INTEGRITY AND OVERSIGHT COMMITTEE — INQUIRY INTO THE PERFORMANCE OF VICTORIAN INTEGRITY AGENCIES 2019/20** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Shing presented a Report from the Integrity and Oversight Committee on the Inquiry into the performance of Victorian integrity agencies 2019/20 (including an Appendix), and further presented Transcripts of Evidence.

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

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

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 —

the Annual Financial Report of the State of Victoria: 2020-21, November 2021 (*Ordered to be published*).

Supplying and Using Recycled Water, November 2021 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 129.

- 4 TEMPORARY ORDERS — BUSINESS OF THE HOUSE** — Ms Symes moved, by leave, That the temporary order agreed to on 7 September 2021 relating to ringing the bells when a Member is not in the Chamber when called on be rescinded, effective immediately.

Question — put and agreed to.

- 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 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION'S OPERATION WATTS INVESTIGATION** — Dr Bach (for Mr Davis) moved, That this House —

- (1) notes that —
  - (a) the Independent Broad-based Anti-corruption Commission's (IBAC) investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament, is known as Operation Watts;
  - (b) at the public hearing held on 1 November 2021, the Counsel assisting Mr Chris Carr SC, stated that lawyers for IBAC had requested documents from the Australian Labor Party (ALP), including a statement addressing various issues, but had been rebuffed;
- (2) further notes that Mr Carr commented in the public hearing that "...unfortunately, so far, the solicitors for the Victorian Branch of the ALP have declined the request to provide that assistance ... The issue will be further pursued by solicitors on behalf of IBAC in the coming days, and it is to be hoped that the Victorian Branch of the ALP will cooperate by providing such information voluntarily ... However, obviously, if that voluntary process is not productive, it will be necessary for such evidence to be obtained through compulsory processes...";
- (3) calls on the ALP Victorian branch to co-operate fully with IBAC's requests; and
- (4) further calls on the Premier, the Hon Daniel Andrews MP, to instruct the ALP Victorian branch to provide all requested documents expeditiously to IBAC.

Debate ensued.

Question — put and agreed to

- 7 WEST GATE TUNNEL PROJECT** — Debate resumed on the question, That this House —

- (1) notes the material released in August 2021 by Transurban on the West Gate Tunnel (WGT) Project to investors, including that —
  - (a) tunnelling has not commenced as a result of disputes arising between the project parties;
  - (b) project completion in 2023 is no longer achievable and, due to continued uncertainty in relation to the resolution of commercial matters and timing for commencement of tunnelling, a further update on the expected project completion date cannot be provided at this stage;
  - (c) the contracted total cost of the project was \$6.7 billion, with estimates of additional costs to complete the project differing among project parties and remaining uncertain, however based on preliminary independent analysis, Transurban estimates the D&C subcontractors' construction costs could increase by \$3.3 billion, with the D&C subcontractors' claims being higher;
  - (d) in order to reach a commercial settlement, Transurban believes all project parties would be required to make a meaningful financial contribution;
- (2) further notes the WGT Project, a Transurban market led proposal, was signed in December 2017 and was subject to a report by the Victorian Auditor-General;
- (3) further notes the mismanagement of the WGT Project by the Andrews Labor Government, a project that is now late, over budget and the subject of legal dispute;
- (4) insists that the State Government pay no more than the contracted amount and not further extend any toll concession; and
- (5) calls for a pause on the collection of WGT related tolls levied on existing CityLink roads.

Question — put.

The Council divided — The President in the Chair.

## AYES, 17

Mr Atkinson; Dr Bach; Mr Barton; 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; Dr Ratnam; Mr Rich-Phillips.

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

## NOES, 20

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; 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.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1 and Notices of Motion, General Business, Nos 676 and 654, be postponed until later this day.

**9 SESSIONAL ORDERS — FORMAL PAIRING ARRANGEMENTS** — Dr Ratnam moved, That until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order come into effect on the next day of meeting:

**1. Formal pairing arrangements**

After Standing Order 16.06 insert:

The following formal pairing arrangement may take place in addition to any informal pairing arrangement in relation to a division on any question —

- (1) a vote pair may be requested and granted between two Members of the crossbench and/or other parties;
- (2) a vote pair may be formally recognised only if a division eventuates in relation to the question put;
- (3) a vote pair will be recorded in the Minutes of Proceedings and Hansard only when both Members that have entered into the vote pair arrangement on a question have notified the Clerk (by email to [council@parliament.vic.gov.au](mailto:council@parliament.vic.gov.au)), no later than 30 minutes before the vote has occurred in the House or in Committee of the whole, that they have agreed to a vote pair and they did not formally vote on the question; and
- (4) any dispute arising, at any time before the Clerk publishes the weekly Minutes of the Proceedings, will be determined by the Clerk who may alter any record of pairs accordingly.

Debate ensued.

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

**10 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:

- **Higher education funding** — substantive question asked by Ms Patten — response from Ms Tierney due Thursday, 18 November 2021.
- **Commercial passenger vehicle safety standards** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 19 November 2021.
- **Fuel reduction targets** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Friday, 19 November 2021.
- **Minister meeting availability** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 18 November 2021.

**11 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.

**12 SESSIONAL ORDERS — FORMAL PAIRING ARRANGEMENTS** — Debate continued on the question, That until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order come into effect on the next day of meeting:

**1. Formal pairing arrangements**

After Standing Order 16.06 insert:

The following formal pairing arrangement may take place in addition to any informal pairing arrangement in relation to a division on any question —

- (1) a vote pair may be requested and granted between two Members of the crossbench and/or other parties;
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- (4) any dispute arising, at any time before the Clerk publishes the weekly Minutes of the Proceedings, will be determined by the Clerk who may alter any record of pairs accordingly.

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

**13 COERCIVE AND CONTROLLING BEHAVIOUR IN FAMILY VIOLENCE OFFENDING** —

Ms Maxwell moved, That this House —

- (1) recognises —
  - (a) the prevalence of coercive control in family violence offending;
  - (b) that perpetrators of family violence may offend against multiple family members and intimate partners;
  - (c) that disclosure of relevant information about the criminal history of a perpetrator is a key indicator in family violence risk assessment and management;
- (2) calls on the Government to —
  - (a) review legislative and procedural frameworks in relation to family violence to consider how evidence of coercive and controlling behaviour is available to illustrate the experience of family violence; and
  - (b) consider the suite of initiatives and opportunities available to enhance the understanding of coercive and controlling behaviour in our community and the justice system.

Debate ensued.

Question — put and agreed to.

**14 LONELINESS** — Ms Patten moved, That this House notes that —

- (1) loneliness has emerged as one of the most serious public health challenges being faced around the world;
- (2) loneliness is a better predictor of premature death than physical inactivity, obesity or smoking 15 cigarettes a day;
- (3) lonely Australians have significantly worse health status than Australians who do not experience loneliness;
- (4) according to the 2018 Australian Loneliness Report, amongst Australian adults, one in four are lonely, nearly 30 per cent rarely or never feel part of a group of friends and 22 per cent rarely or never feel like they have someone to talk to;
- (5) the 2019 Young Australians Loneliness Survey found that more than half of young Australians felt lonely sometimes or always;
- (6) loneliness was a growing health challenge before COVID-19, but has been exacerbated by it;
- (7) one in two Australian residents reported feeling lonelier since 2019, with those who reported feeling more lonely also reporting more depression and higher social anxiety;
- (8) addressing loneliness is integral to Victoria's COVID-19 recovery;

- (9) in 2018 the United Kingdom government appointed a dedicated Minister for Loneliness and published the world's first loneliness strategy;
- (10) in January 2020, the first Loneliness Annual Report outlined progress in the United Kingdom as a result of 60 commitments made in 2018 in establishing that ministry; and calls on the Victorian Government to create a dedicated ministerial portfolio for Loneliness.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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)*

NOES, 13

Mr Atkinson; Dr Bach; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; 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.

- 15 UPDATE ON COVID-19 VACCINATION REQUIREMENTS FOR MEMBERS OF THE LEGISLATIVE COUNCIL — CLERK'S UPDATE REPORT TO THE HOUSE** — Pursuant to paragraph (6) of an Order of the Council on 14 October 2021, and further to an email to Members today, the Clerk reported to the House that Mr Somyurek has now met the requirements of paragraph (3) of the Order and his suspension has been lifted.

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

- 16 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.
- 17 TEMPORARY ORDER — ORDER OF BUSINESS ON WEDNESDAYS AND FRIDAYS** — Ms Symes moved, That the following temporary order come into effect on Friday, 19 November 2021, and remain in place until Friday, 31 December 2021, unless the House resolves otherwise —

**1. Order of Business**

The Order of Business on Wednesday will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 12.00 noon** Questions

Constituency Questions (up to 15 Members)

General Business (continues)

**At 6.45 p.m.** Statements on reports, papers and petitions (30 minutes)

**At 7.15 p.m.** Adjournment (up to 20 Members)

Upon any interruption of business under this temporary order, Standing Order 4.08 relating to the extension of sitting will apply and unless otherwise ordered by the Council, the Order of Business on Friday will be —

Messages

Formal Business

Government Business

**At 12.00 noon** Questions

Constituency Questions (up to 15 Members)

Government Business (continues)

**At 4.00 p.m.** Adjournment (maximum 30 minutes).

Debate ensued.

Question — put and agreed to.

**18 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 of 7 September 2021.

And then the Council, at 6.28 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*