



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
No. 90 — Wednesday, 3 February 2021
Proof Version

- 1 The President took the Chair at 9.36 a.m., read the Prayer and made an Acknowledgement of Country.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:
Public Health and Wellbeing Act 2008 — 10th Report to Parliament on the State of Emergency, under section 198(8A) of the Act.
- 3 **ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Symes moved, by leave, That Ms Watt be a participating member of the Standing Committee on the Economy and Infrastructure.
Question — put and agreed to.
- 4 **SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —
 - (1) The following changes to Sessional Orders be adopted, to come into operation with immediate effect:
 1. **Time limits — General Business**
Sessional Order 8 be rescinded and replaced with the following:
General Business (Standing Order 5.07)

Total time	90 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes
 2. **Time limits — Statements on reports, papers and petitions**
Sessional Order 6 be rescinded and replaced with the following:
Statements on reports, papers and petitions (Standing Order 9.10)

Total time	30 minutes (<i>a Member with the call at the expiration of the total time will be permitted to complete their contribution</i>)
Each Member	5 minutes
 3. **Committee of the whole — time limits**
Sessional Order 18 be rescinded.
 - (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
 - (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

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 15 September 2020.
- 6 PRODUCTION OF DOCUMENTS — MULTI PURPOSE TAXI PROGRAM TRIAL** — Mr Barton moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, within 28 calendar days of the House agreeing to this resolution, all documents detailing the design of the Multi Purpose Taxi Program trial, including, but not limited to all documents —
- (1) detailing the way in which trial participants were recruited, contacted and selected;
 - (2) detailing the results of the trial;
 - (3) detailing risk assessments conducted for the trial;
 - (4) relating to the impact assessments, both financial or otherwise, conducted for the trial; and
 - (5) relating to the consideration given to unintended consequences to services provided in the broader disability sector, in particular services provided by wheelchair accessible vehicles.

Debate ensued.

Question — put and agreed to.

- 7 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT BAR OF HOUSE** — Mr O'Donohue (for Mr Davis) moved, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —
- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
 - (2) the Hon Robert Redlich AM QC, IBAC Commissioner to attend at the Bar of the House on Wednesday, 17 February 2021, between 3.30 p.m. and 5.00 p.m.;
 - (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
 - (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Debate ensued.

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:

- **Firearms regulation** — substantive question asked by Mr Quilty — response from Mr Leane due Friday, 5 February 2021.
- **Free kindergarten scheme** — supplementary question asked by Ms Crozier — response from Ms Stitt due Thursday, 4 February 2021.
- **Free kindergarten scheme financial impacts** — substantive question asked by Dr Bach — response from Ms Stitt due Thursday, 4 February 2021.
- **Game Management Authority advice regarding duck hunting** — substantive and supplementary questions asked by Mr Meddick — response from Ms Tierney due Friday, 5 February 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 15 September 2020.

10 VICTORIAN OMBUDSMAN AND IBAC COMMISSIONER — ATTENDANCE AT BAR OF HOUSE — Debate resumed on the question, That this House invites the Victorian Ombudsman and the Independent Broad-based Anti-corruption (IBAC) Commissioner to present to the Council and answer questions concerning the adequacy of current and future funding of their independent oversight agencies and that Standing and Sessional Orders be suspended to the extent necessary to allow the following to occur —

- (1) Ms Deborah Glass, Victorian Ombudsman to attend at the Bar of the House on Wednesday, 17 February 2021, between 2.00 p.m. and 3.30 p.m.;
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- (3) each officer will be asked to make an initial presentation of up to 20 minutes to the Council, which will be followed by questions for the remaining period, with the President or Deputy President allocating speaking rights in accordance with Standing Order 12.06;
- (4) the proceedings will be conducted in public and recorded and broadcast by Hansard; and requires that the Clerk of the Legislative Council communicate this invitation to the named officers.

Mr Atkinson moved, as an amendment, That all the words and expressions after “That this”, be **omitted** and the following be **inserted** in their place:

“House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Integrity and Oversight Committee to undertake an urgent inquiry into the adequacy of current and future funding of the Victorian Ombudsman and the Independent Broad-based Anti-corruption Commission (IBAC) and requires the Committee to —

- (1) hold and broadcast public hearings with —
 - (a) Ms Deborah Glass, Victorian Ombudsman;
 - (b) the Hon Robert Redlich AM QC, IBAC’s Commissioner;
- (2) report to the House by 30 March 2021;
- (3) advise on best practice models in other jurisdictions for the long-term funding of independent scrutiny agencies in such a way that they are not inhibited from conducting urgent and/or necessary investigations and inquiries; and
- (4) ensure that this inquiry takes precedence over other Committee matters.”.

Debate ensued.

Question — That the amendment moved by Mr Atkinson be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Mrs McArthur; Mr Meddick; Mr O’Donohue; Ms Patten; Mr Quilty; Dr Ratnam.

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

NOES, 18

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Dr Kieu; Mr Leane; Ms Maxwell; 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.

Original question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr O'Donohue; Mr Quilty; Dr Ratnam.

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

NOES, 20

Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; 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.

11 CLOSING OF BORDER WITH NEW SOUTH WALES — Ms Crozier moved, That this House —

- (1) expresses concern at the Andrews Government's rushed decision on the afternoon of 31 December 2020 to shut the border between Victoria and New South Wales which caused confusion for Victorians; and
- (2) calls on the Andrews Government, in the interest of transparency, to release all expert health advice and any other advice in relation to the decision made on 31 December 2020 to close the border with New South Wales, including but not limited to the logistics of closing the border.

Debate ensued.

Question — put and agreed to.

12 PRODUCTION OF DOCUMENTS — CRRC CHANGCHUN RAILWAY VEHICLES COMPANY LIMITED — Mr Davis moved, That this House —

- (1) notes that —
 - (a) part of the Evolution Rail consortium awarded the contract to deliver the High Capacity Metro Trains is CRRC Changchun Railway Vehicles Company Limited, linked to the use of Uyghur slave labour;
 - (b) CRRC Changchun Railway Vehicles Company Limited is also part of the Chinese Government's Belt and Road Initiative;
 - (c) more than a million Uyghurs and members of other Turkic Muslim minorities have allegedly disappeared into a vast network of 're-education camps';
 - (d) factories in China are allegedly sourcing Uyghur workers from the 're-education camps' under a government-led labour transfer scheme;
 - (e) the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, confirmed on ABC radio on 5 October 2020, that she was aware of these allegations and has sought advice from the Department of Transport about whether they were true;
 - (f) the Minister for Transport Infrastructure said the advice received from the Department of Transport about these allegations were untrue and the Minister did not indicate that CRRC Changchun Railway Vehicles Company Limited was not using Uyghur slave labour in other contracts and constructions; and
- (2) requires, in accordance with Standing Order 11.01, there to be tabled in the Council, on or before 12 noon, Wednesday, 4 November 2020, any advice received by the Minister for Transport Infrastructure from the Department of Transport, which she referred to in the ABC radio interview on 5 October 2020, relating to allegations that CRRC Changchun Railway Vehicles Company Limited were using Uyghur slave labour in the High Capacity Metro construction.

Debate ensued.

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

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

14 ADJOURNMENT — Mr Leane 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 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council