



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 96 — Wednesday, 3 March 2021

*Proof Version*

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- 1 The President took the Chair at 9.35 a.m., read the Prayer and made an Acknowledgement of Country.
  - 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
    - Duties Act 2000 — Treasurer’s Report for 1 July 2020 to 31 December 2020 of Foreign Purchaser Additional Duty Exemptions under section 3E of the Act.
    - Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee’s Interim Report on the Inquiry into the Victorian Government’s response to the COVID-19 pandemic.
    - Public Health and Wellbeing Act 2008 — 11<sup>th</sup> Report to Parliament on the State of Emergency, under section 198(8A) of the Act.
    - Subordinate Legislation Act 1994 — Legislative instruments and related documents under section 16B in respect of Service Victoria Identity Verification Standards of 23 February 2021, under the Service Victoria Act 2018.
    - Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board’s Report of Operations, July to December 2020.
  - 3 **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.
  - 4 **REVOCATION OF PLANNING SCHEME AMENDMENT VC190** — Mr Davis moved, That this House —
    - (1) notes that —
      - (a) the Minister for Energy, Environment and Climate Change, on 12 November 2020 approved, and on 8 December 2020 tabled, Amendment VC190 to the Victoria Planning Provisions (VPP);
      - (b) the changes to the VPP and all planning schemes in Victoria include introducing a new particular provision, Victoria’s Big Housing Build at Clause 52.20;
      - (c) Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria’s Big Housing Build and supported by the Director of Housing; and
    - (2) pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Clause 52.20 of Amendment VC190 to the Victoria Planning Provisions.

Debate ensued.

Dr Bach moved, as amendments, That —

1. In paragraph (1)(a) **omit** “Amendment” and **insert** “Amendments VC187 and” in its place.
2. **Omit** all the words in paragraph (1)(b) and replace them with:

“the changes to the VPP and all planning schemes in Victoria made by VC187 include a new provision at clause 53.20 to facilitate the planning permit process for housing projects by or on behalf of the Director of Housing and the modification to clause 72.01 specifies circumstances where an application assessed under the new clause 53 is determined by the Minister where there is an application to develop more than 10 dwellings, construct or extend an apartment development, or construct or extend a dwelling in or forming part of an apartment development;”

3. **Omit** all the words in paragraph (1)(c) and replace them with:  
 “the changes to the VPP and all planning schemes in Victoria made by VC190 include introducing a new particular provision, Victoria’s Big Housing Build at clause 52.20 which expedites the planning assessment and approval process for large scale social and affordable housing projects and amending clause 72.01 to specify the Minister as the responsible authority for the use and development of land that clause 52.20 applies to; and”
  4. In paragraph (2) **omit** “Clause 52.20 of Amendment” and **insert** “Amendments VC187 and”.
- Debate ensued.

Question — That the amendments moved by Dr Bach be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Atkinson; Dr Bach; Ms Bath; 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, 23

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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 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, 12

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

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

NOES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; 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.

## 5 **COMPANION ANIMALS IN FAMILY VIOLENCE** — Mr Meddick moved, That this House —

- (1) recognises that —
  - (a) animal abuse is a form of family violence (FV);
  - (b) in the context of FV, animals are vulnerable individuals;
  - (c) in our society, companion animals are considered family members;
  - (d) in our laws, companion animals are considered property;
- (2) notes that while some of the legal frameworks around FV are silent on companion animals, the Government is continuing to embed practices to protect companion animals in the application of these laws and the delivery of service;
- (3) calls on the Government to consider —
  - (a) financial assistance to support victim survivors of FV, including for the care of animals;

- (b) advocacy to the federal Government to include companion animals as victims of FV for the purposes of FV leave;
- (4) further calls on the Government to ensure that —
  - (a) a review of the Family Violence Protection Act 2008 is undertaken to develop amendments to recognise that companion animals are affected by FV and require protection;
  - (b) in the context of paragraph (4)(a), policy options are developed to enable companion animals to be placed in the care of either the victim survivor or other appropriate carers to protect their best interests;
  - (c) the knowledge base about the abuse of animals in the context of FV continues to be built and embedded at all levels of society; and
  - (d) FV service providers are supported to implement risk assessment frameworks which identify the necessary risk management responses for women, children and animals, enabling them all to live safely without violence.

Debate ensued.

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

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

**I COOK FOODS ALLEGATIONS** — Mr Leane having given answers to a question without notice and supplementary question relating to I Cook Foods allegations —

On the motion of Ms Crozier, 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 and an answer to a question on notice was circulated pursuant to Standing Order 8.12.

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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:

- **Gippsland native timber protestors** — substantive and supplementary questions asked by Ms Bath — response from Ms Stitt due Friday, 5 March 2021.
- **Uber passenger safety** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 5 March 2021.
- **TAFE financial audits** — supplementary question asked by Dr Bach — response from Ms Tierney due Thursday, 4 March 2021.
- **Firewood collection** — substantive and supplementary questions asked by Mr Bourman — response from Mr Leane due Friday, 5 March 2021.

**7 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.

**8 COMPANION ANIMALS IN FAMILY VIOLENCE** — Debate continued on the question, That this House —

- (1) recognises that —
  - (a) animal abuse is a form of family violence (FV);
  - (b) in the context of FV, animals are vulnerable individuals;
  - (c) in our society, companion animals are considered family members;
  - (d) in our laws, companion animals are considered property;
- (2) notes that while some of the legal frameworks around FV are silent on companion animals, the Government is continuing to embed practices to protect companion animals in the application of these laws and the delivery of service;
- (3) calls on the Government to consider —
  - (a) financial assistance to support victim survivors of FV, including for the care of animals;
  - (b) advocacy to the federal Government to include companion animals as victims of FV for the purposes of FV leave;
- (4) further calls on the Government to ensure that —

- (a) a review of the Family Violence Protection Act 2008 is undertaken to develop amendments to recognise that companion animals are affected by FV and require protection;
- (b) in the context of paragraph (4)(a), policy options are developed to enable companion animals to be placed in the care of either the victim survivor or other appropriate carers to protect their best interests;
- (c) the knowledge base about the abuse of animals in the context of FV continues to be built and embedded at all levels of society; and
- (d) FV service providers are supported to implement risk assessment frameworks which identify the necessary risk management responses for women, children and animals, enabling them all to live safely without violence.

Question — put and agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, No. 508, be postponed until later this day.

**10 IMPACT OF COVID-19 ON SMALL BUSINESSES IN STRIP SHOPPING CENTRES** — Mr Finn (for Mr Davis) moved, That this House —

- (1) notes the devastating impact of the COVID-19 pandemic on small retail and other businesses in strip shopping centres in metropolitan Melbourne, and in particular central Melbourne;
- (2) calls on the Andrews Labor Government to urgently release —
  - (a) a package of measures to support Melbourne's central business district, particularly businesses and jobs in the retail and hospitality sectors; and
  - (b) a support package to prevent further decline in metropolitan strip shopping centres and revive these centres as local community activity and employment districts.

Debate ensued.

Question — put and agreed to.

**11 HOTEL QUARANTINE PROGRAM — OCCUPATIONAL HEALTH AND SAFETY** — Mr O'Donohue moved, That this House calls on the Minister for Workplace Safety, the Hon Ingrid Stitt MLC, to exercise her power, confirmed in section 7(1)(a) of the *Occupational Health and Safety Act 2004*, to direct WorkSafe Victoria to —

- (1) conduct an urgent investigation into all occupational health and safety risks and corresponding responsibilities for duty holders within the Hotel Quarantine Program managed by COVID-19 Quarantine Victoria and its predecessors with responsibility for hotel quarantine;
- (2) ensure the report includes details of the health and safety risks and corresponding responsibilities for duty holders;
- (3) complete the inquiry and present a Report to the Minister for Workplace Safety by 31 May 2021; and
- (4) cause the Report to be tabled in the Council on the next sitting day after it has been received from WorkSafe Victoria.

Debate ensued.

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

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

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**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 6.05 p.m., adjourned until tomorrow.

ANNE SARGENT  
*Acting Clerk of the Legislative Council*