



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 81 — Wednesday, 11, November 2020

*Proof Version*

- 
- 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 Clerk:
- Crown Land (Reserves) Act 1978 — Minister's Order of 7 October 2020 giving approval to the granting of a licence at Knox Community Gardens Reserve.
  - Public Health and Wellbeing Act 2008 — Report to Parliament on the Extensions of the Declaration of a State of Emergency, pursuant to section 198(8A) of the Act.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 121.
- 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 **CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS** — Mr Davis moved, That this House —
- (1) notes —
    - (a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;
    - (b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;
    - (c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;
    - (d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;
  - (2) calls on the Andrews Labor Government to —
    - (a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and
    - (b) rebuke the Chinese Communist Government over its deliberate and damaging actions.
- Debate ensued.
- Business interrupted and sitting suspended from 10.50 a.m. to 12.30 p.m. pursuant to an Order of the Council of 10 November 2020.*
- 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

**IMPACT OF MASK WEARING REGULATIONS ON WODONGA SMALL BUSINESSES —**

Ms Pulford having given answers to a question without notice and supplementary question relating to the impact of mask wearing regulations on Wodonga small businesses —

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 continued.

\* \* \* \* \*

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

- **Hume and Wyndham Councils – COVID-19 testing resources** — substantive and supplementary questions asked by Ms Crozier — response from Mr Leane due Thursday, 12 November 2020.
- **Out-of-home care** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Friday, 13 November 2020.
- **Bushfire fuel loads** — substantive and supplementary questions asked by Mr Quilty — response from Mr Leane due Friday, 13 November 2020.
- **Veterans' transitional service hub** — substantive and supplementary questions asked by Dr Cumming — response from Mr Leane due Friday, 12 November 2020.
- **Protection for gig economy workers** — substantive question asked by Mr Barton — response from Ms Symes due Friday, 13 November 2020.

**6 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.

**7 CHINESE GOVERNMENT BLOCK ON VICTORIAN EXPORTS** — Debate continued on the question, That this House —

(1) notes —

- (a) the unjustified and provocative actions of the Chinese Communist Government in blocking access to Victorian exports, including barley, wine, beef and lobster;
- (b) that these actions by the Chinese Communist Government are not consistent with World Trade Organisation rules and do not honour the commitments made by China under the China-Australia Free Trade Agreement;
- (c) the memorandum of understanding between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 8 October 2018, referred to as the Belt and Road Initiative;
- (d) the framework agreement between the Victorian Government and the National Development and Reform Commission of the People's Republic of China, signed on 23 October 2019, in particular article 1, cooperation principles, which have been ignored by the Chinese Communist Government;

(2) calls on the Andrews Labor Government to —

- (a) request that the Chinese Communist Government reverse its trade blockades of Victorian produce; and
- (b) rebuke the Chinese Communist Government over its deliberate and damaging actions.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

## NOES, 21

Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; 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)*

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1, and Notice of Motion, General Business, No. 424, be postponed until later this day.

**9 GREEN NEW DEAL FOR VICTORIA** — Dr Ratnam moved, That this House —

- (1) supports a Green New Deal for Victoria;
- (2) notes that 2020 has been an extremely difficult year for Victorians, starting with horrendous bushfires and followed by the COVID-19 pandemic;
- (3) further notes that increasing unemployment due to the COVID-19 pandemic, as well as climate change and rising economic inequality, are key challenges facing Victoria into the future;
- (4) acknowledges that the upcoming State Budget must provide for a plan to build Victoria back better, with significant investment from the Government to create jobs and build a caring society and clean economy;
- (5) calls on the Government to create tens of thousands of good quality new jobs through investing in —
  - (a) publicly-owned renewable energy and storage projects to address climate change and transitioning Victoria away from fossil fuels;
  - (b) a big build of new public housing to help end homelessness;
  - (c) employing more educators, healthcare workers, nurses, and social support workers so all Victorians can get the care they need;
  - (d) restoring our precious natural environment by regenerating bushfire-affected areas, protecting threatened species, and planting trees and native vegetation;
  - (e) walking, bike riding and public transport to cut traffic and reduce emissions;
  - (f) reviving our main shopping streets to support jobs in retail, hospitality and services; and
  - (g) a recycling revolution to reduce waste and protect our waterways and wildlife.

Debate ensued.

Mr Finn moved, as amendments —

1. **Omit** paragraph (1).
4. In paragraph (5)(g) **omit** “wildlife.” and **insert** the following in its place:  
“wildlife; and  
(h) significant infrastructure projects, including transport infrastructure, particularly projects that are shovel-ready with completed and available business cases, that can generate jobs quickly.”.

Debate ensued.

*The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Question — That amendment No. 1 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 10

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

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

## NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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 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.

Question — That amendment No. 4 moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 10

Dr Bach; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips.

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

## NOES, 27

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; 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 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, 22

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Hayes; Dr Kieu; Mr Leane; 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, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; 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.

**10 JOINT SELECT COMMITTEE — INTERNATIONAL AGREEMENT** — Debate resumed on the question, That —

- (1) a Joint Select Committee of nine Members be established to inquire into, consider and report to both Houses, no later than 30 September 2020, on the relevance, acceptability and process by which the Government has adopted international agreements, treaties, memorandums and other similar arrangements with foreign governments since 2015, and in particular —
  - (a) whether the two agreements between the People's Republic of China and the Victorian Government, also known as the 'Belt and Road Initiative', are in the interest of Victorians in all circumstances, including in the long-term financial interest of the State and with respect to its sovereignty;
  - (b) the details and background of the proposed further agreement linked to the 'Belt and Road Initiative' and whether these are in the public interest of all Victorians;
  - (c) the appropriate consultation with the Commonwealth of Australia Government and its agencies on the likely impact on Australia's foreign affairs and trade;
  - (d) through until the end of this Parliament examine and report on any further international agreements, treaties, memorandums or other similar arrangements the Government may seek to sign and report to the Parliament in a timely way to keep the Parliament

- of Victoria informed of whether these are, on balance, in the view of the Committee, in the public interest;
- (2) the Committee shall consist of —
    - (a) five Assembly Members, comprising three Members from the Government nominated by the Premier and two Members from the Opposition nominated by the Leader of the Opposition;
    - (b) four Council Members, comprising two Members from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
  - (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
  - (4) the Chair of the Committee must be a non-Government Member;
  - (5) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
  - (6) the Committee may proceed to conduct business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
  - (7) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
  - (8) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
  - (9) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
  - (10) a Message be sent to the Assembly informing them of the Resolution and requesting their agreement.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Bach; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips.

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

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; 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 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 negated.

**11 NATIVE TIMBER** — Mr Bourman moved, That this House notes that —

- (1) the Government has committed to ending the native timber industry by 2030, with the apparent aim being to have it replaced by plantation timber at that time;
  - (2) it will take in excess of 50 years, probably closer to 80 years for plantation timber to reach the same quality as current native timber harvesting;
  - (3) given the devastating economic effects of the COVID-19 pandemic, jobs are critical, particularly in regional areas;
- and calls on the Government to abandon ending the native timber industry and instead nurture what is one of the most highly regulated timber industries in the world which produces timber of unparalleled quality.

Debate ensued.

On the motion of Mr Barton, the debate was adjourned until the next day of meeting.

**12 UNDERREPORTING OF SEXUAL ASSAULT CASES** — Mr Grimley moved, That this House —

- (1) notes that —
- (a) the 2016 *Personal Safety Survey* recorded that only one in ten women who had experienced a form of sexual assault by a male contacted the police to report the offending;
  - (b) the experiences of victims and survivors are not often considered when proposing reforms to Victoria's legal system;
  - (c) the underreporting of sexual offending and sexual assault cases is not the result of any individual cause;
  - (d) some victims withdraw sexual abuse charges due to the lack of support or belief in the reporting process and feeling pressure from the offender or family in the process;
  - (e) as the gatekeepers to the pursuit of legal action in a sexual assault, training of Sexual Offences and Child Abuse Investigation Team officers, which considers the complex relationships and trauma experienced by the victim, is fundamental to providing positive outcomes for victims, therefore combatting rates of attrition and non-reporting;
  - (f) it is impossible to determine responses to underreporting without the centralised recording of reasons for the withdrawal of sexual assault cases;
- (2) calls on the Andrews Government to —
- (a) create a centralised and publicly available database of victim's experiences and complaints when pursuing sexual offending charges; and
  - (b) undertake authoritative investigation into the specific causes of low rates of reporting and high rates of attrition at each stage of progress through the legal system and consequent reform recommendations.

Debate ensued.

Mr O'Donohue moved, as an amendment, That paragraph (2)(a) be **omitted** with a view of **inserting** the following in their place:

“(a) task the Victorian Crime Statistics Agency with providing further publicly available information, based on the COVID-19 Family Violence Data Portal, on sexual assault offending throughout Victoria, including details of underreporting, investigation outcomes, support agency engagement and options for victim reports; and”.

Debate ensued.

*The President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Ordered, by leave, that time allocated for General Business be extended to conclude the debate.

Debate continued.

Question — That the amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; 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, 19

Mr Elasmarr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; 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)*

Question negated.

Original question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; 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, 19

Mr Elasmr; Mr Erdogan; Mr Gepp; Dr Kieu; Mr Leane; 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)*

Question negatived.

**13 JUSTICE LEGISLATION AMENDMENT (SUPPORTING VICTIMS AND OTHER MATTERS) BILL 2020** — 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 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

**15 ADJOURNMENT** — Ms Tierney 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 8.29 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*