



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 57 — Wednesday, 18 March 2020

Proof Version

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

2 **PETITIONS —**

REJECT PLANNING AMENDMENTS TO TYABB AIRPORT — Mr Finn (for Ms Bath) presented a Petition bearing 5,470 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to reject Mornington Peninsula Shire Council's application to amend the Mornington Peninsula Planning Scheme as it imposes unworkable and invalid operating restrictions on Tyabb Airport.

Ordered to lie on the Table.

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REVIEW OF BUS ROUTES IN TARNEIT ELECTORATE — Dr Cumming presented a Petition bearing 330 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise pedestrian safety, review existing bus routes in Tarneit and increase their frequency to every 15 to 20 minutes and prioritise new bus routes to and from Tarneit Train Station, especially for estates that have experienced large population growth.

Ordered to lie on the Table.

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INTERSECTIONS ON CHILDS ROAD, MILL PARK — Mr Ondarchie presented a Petition bearing 151 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rule out any raised intersections and raised safety platforms on any of the new intersections to be built on Childs Road in Mill Park.

Ordered to lie on the Table.

3 **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 —

Freight Outcomes from Regional Rail Upgrades, March 2020 (*Ordered to be published*).

Managing Development Contributions, March 2020 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the Implementation of environmental management systems in Victorian Government 2018-19.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 130/2019 (*Gazette G10, 12 March 2020*).

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE** — The Clerk laid on the Table a letter from the Attorney-General, dated 17 March 2020, in response to the Resolution of the Council of 4 March 2020, relating to the Melbourne Airport Rail Link Strategic Business Case, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

6 WATER TRADING DECLARATIONS — Mr Bourman moved, That this House notes that —

- (1) Members of Parliament are currently not required to declare any interest in water shares or water trading, and that Members of Parliament should without delay, declare any and all interests in water trading in, but not limited to the Murray Darling Basin Plan;
- (2) Government bureaucrats involved in any matters relating to water should immediately declare any and all interests in the water market that they themselves or any related entity holds;

and calls on all Victorian members of both state and federal Parliaments to declare their interests in the water market.

Debate ensued.

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

Question — put and agreed to.

7 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 250, be postponed until later this day.

8 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — Mr Quilty moved, That this House —

(1) notes —

- (a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;
- (b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;
- (c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;
- (d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;
- (e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —
 - (i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;
 - (ii) 18 per cent thought they could lose their job;
 - (iii) only 38 per cent thought meaningful action would occur;
 - (iv) eight per cent believe corruption occurs in their workplace;
- (f) that IBAC's *Audit of Victoria Police complaints handling systems at regional level* found that —
 - (i) 16 per cent of police complainants were not contacted by internal investigating officers;
 - (ii) 34 per cent of witnesses were not contacted;
 - (iii) in 17 per cent of cases, relevant evidence was not considered;

(2) calls on the Government to —

- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
- (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Debate ensued.

Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 17 March 2020 —

9 QUESTIONS AND MINISTERS' STATEMENTS — Questions without notice were taken.

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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:

- **COVID-19 – assistance to small business** — substantive and supplementary questions asked by Mr Davis — response from Mr Somyurek due Thursday, 19 March 2020.
- **Multi purpose taxi program** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 20 March 2020.
- **Egg supply for vaccines** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 19 March 2020.
- **COVID-19 – health warnings on use of anti-inflammatory drugs** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 19 March 2020.

10 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — Debate continued on the question, That this House —

(1) notes —

- (a) Australia's decline in the Corruption Perceptions Index from a score of 85 in 2012 to 77 in 2019;
- (b) the cost of this corruption in Australia is estimated at \$2,916 per person, per year, four per cent of gross domestic product;
- (c) research by Chartered Accountants Australia and New Zealand states that Australian governments display widespread complacency about corruption;
- (d) the Independent Broad-based Anti-corruption Commission's (IBAC) *Special report on corruption risks associated with procurement in local government* found local governments were at heightened risk of corruption;
- (e) that IBAC's *Perceptions of corruption - Survey of Victoria Police employees* found that —
 - (i) 46 per cent of Victoria Police employees believed reporting corruption would result in personal consequences;
 - (ii) 18 per cent thought they could lose their job;
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 - (i) 16 per cent of police complainants were not contacted by internal investigating officers;
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 - (iii) in 17 per cent of cases, relevant evidence was not considered;

(2) calls on the Government to —

- (a) expand the mandate of IBAC and increase its funding to allow for investigation of more allegations of public sector and council misconduct; and
- (b) implement the recommendations from the 2018 Parliamentary Inquiry into external oversight of police corruption and misconduct in Victoria.

Question — put and agreed to.

12 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 294, be postponed until later this day.

13 CONTAMINATED SOIL FROM WEST GATE TUNNEL PROJECT — Mr Davis moved, That this House —

- (1) opposes any decision by the Andrews Labor Government, or its agencies, to dump toxic soil from the West Gate Tunnel Project at the Maddingley Brown Coal mine, Bacchus Marsh, in the Shire of Moorabool;

- (2) notes that proper community consultation and a full environmental assessment has not been undertaken by the West Gate Tunnel Authority, Transurban or other entities associated with the project; and
- (3) further notes that the site of the proposed dump site, near Bacchus Marsh Grammar School and the town centre, makes it inappropriate to foist the transport and dumping of the contaminated soil on the Bacchus Marsh community.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

(Tellers: Mr Barton and Ms Maxwell)

NOES, 15

Mr Erdogan; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Erdogan and Ms Taylor)

Question agreed to.

14 REDUCED HEALTH IMPACTS OF VAPING — Mr Limbrick (for Mr Quilty) moved, That this House notes —

- (1) Public Health England's *Evidence review of e-cigarettes and heated tobacco products 2018*;
- (2) that vaping is probably not without risks but that it is almost certainly far safer than smoking;
- (3) the extensive evidence of reduced harm to smokers who transition to vaping; and
- (4) that there is no evidence of harm to bystanders as a result of vaping.

Debate ensued.

Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 17 March 2020, the debate stood adjourned in the name of Ms Patten.

15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — A statements on a report was made by a Member pursuant to Sessional Order 16.

16 INAUGURAL SPEECH — DR MATTHEW BACH — Pursuant to an Order of the Council of 17 March 2020, Dr Matthew Bach made his inaugural speech.

17 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 276, be postponed until later this day.

18 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020 — Ms Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Symes, the second reading speech was incorporated into Hansard.

Ms Symes moved, That the Bill be read a second time, and by leave, debate be taken forthwith.

Question — That debate be taken forthwith — put and agreed to.

Debate ensued.

Amendments proposed to be moved in Committee by Dr Ratnam and Dr Cumming were circulated.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

19 ADJOURNMENT — Ms Pulford 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 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council