



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
No. 134 — Thursday, 18 November 2021
Proof Version

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

BREAST SCREENING PROGRAM — Ms Crozier presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to women's health protection services and fully fund the breast screening program so all women, at all times, have access to this essential program.

Ordered to lie on the Table.

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PROPOSED WASTE-TO-ENERGY FACILITY AT LARA — Mr Grimley presented a Petition bearing 232 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Planning Application 1004200 from Prospect Hill International is not approved until community concerns are fully addressed, an Environmental Effects Statement is undertaken, the Department of Environment, Land, Water and Planning finalises the waste-to-energy framework, all other recycling and waste diversion options are investigated and agreements are put in place with local authorities in relation to feedstock, water usage and energy offtake.

Ordered to lie on the Table.

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NO MANDATORY VACCINATIONS OR VACCINE PASSPORTS — Mr Limbrick presented a Petition bearing 2,315 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to abandon mandatory vaccinations and the development of vaccination passports that would give agencies, businesses, organisations and individuals the right to limit access to goods and services according to COVID-19 vaccination status.

Ordered to lie on the Table.

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OPPOSE THE PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021 — Ms Lovell presented a Petition bearing 1,969 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

Ordered to lie on the Table.

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ALLOW APARTMENT RESIDENTS TO MOVE IN AND OUT FREELY — Dr Ratnam presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ban owners corporations and private building managements from imposing rules on apartment tenants that limit their ability to move in and out of managed properties.

Ordered to lie on the Table.

3 PAPERS —

CHILDREN'S COURT OF VICTORIA REPORT, 2020-21 — Ms Symes presented, by Command of the Governor, the Children's Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

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COUNTY COURT OF VICTORIA REPORT, 2020-21 — Ms Symes presented, by Command of the Governor, the County Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

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MAGISTRATES' COURT OF VICTORIA REPORT, 2020-21 — Ms Symes presented, by Command of the Governor, the Magistrates' Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

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SUPREME COURT OF VICTORIA, 2020-21 — Ms Symes presented, by Command of the Governor, the Supreme Court of Victoria Report, 2020-21.

Report ordered to lie on the Table.

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JUDICIAL COLLEGE OF VICTORIA REPORT, 2020-21 — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

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JUDICIAL COMMISSION OF VICTORIA REPORT, 2020-21 — Ms Symes moved, by leave, That there be laid before this House a copy of the Judicial Commission of Victoria Report, 2020-21.

Question — put and agreed to.

The Report was presented by Ms Symes and ordered to lie on the Table.

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PROFESSIONAL STANDARDS COUNCILS REPORT, 2020-21 AND THE VICTORIAN PROFESSIONAL STANDARDS COUNCIL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021 — Ms Symes moved, by leave, That there be laid before this House a copy of the Professional Standards Councils Report, 2020-21 and the Victorian Professional Standards Council Financial Statements for the Year Ended 30 June 2021.

Question — put and agreed to.

The Reports were presented by Ms Symes and ordered to lie on the Table.

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2020-21 SUSTAINABILITY FUND ACTIVITIES REPORT — Mr Leane moved, by leave, That there be laid before this House a copy of the 2020-21 Sustainability Fund Activities Report.

Question — put and agreed to.

The Report was presented by Mr Leane and ordered to lie on the Table.

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ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE HEALTH IMPACTS OF AIR POLLUTION IN VICTORIA — Pursuant to Standing Order 23.29, Ms Terpstra presented a Report from the Environment and Planning Committee on the Inquiry into the health impacts of air pollution in Victoria (including an Appendix, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Albury Wodonga Health — Report, 2020-21.
- Alexandra Health Service — Report, 2020-21.
- Alpine Health — Report, 2020-21.
- Alpine Resorts Co-ordinating Council — Report, 2020-21.
- Australian Health Practitioner Regulation Agency — Report, 2020-21.
- Ballarat Health Services — Report, 2020-21.
- Barwon Health — Report, 2020-21.
- Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Bass Coast Health — Report, 2020-21.
- Beechworth Health Service — Report, 2020-21.
- Benalla Health — Report, 2020-21.
- Boort District Health — Report, 2020-21.
- Casterton Memorial Hospital — Report, 2020-21.
- Castlemaine Health — Report, 2020-21.
- Central Gippsland Health Service — Report, 2020-21.
- Central Highlands Rural Health — Report, 2020-21.
- Cladding Safety Victoria — Report, 2020-21.
- Cohuna District Hospital — Report, 2020-21.
- Colac Area Health — Report, 2020-21.
- Commissioner for Environmental Sustainability — Minister's report of receipt of the 2020-21 report.
- Community Visitors — Report, 2020-21 (*Ordered to be published*).
- Confiscation Act 1997 — Report, 2020-21, by the Chief Commissioner of Victoria Police, under section 139A of the Act.
- Corryong Health — Report, 2020-21.
- Country Fire Authority (CFA) — Report, 2020-21.
- Court Services Victoria — Report, 2020-21.
- Crimes (Assumed Identities) Act 2004 — Reports, 2020-21, under section 31 of the Act, by —
 - Australian Criminal Intelligence Commission.
 - Victoria Police.
- Djerriwarrh Health Services — Report, 2020-21.
- East Grampians Health Service — Report, 2020-21.
- East Wimmera Health Service — Report, 2020-21.
- Fire Rescue Victoria (FRV) — Report, 2020-21.
- Fire Rescue Victoria Act 1958 —
 - Fire Services Implementation Monitor — Report 2020-21 – Year one: Setting the foundations, under section 142 of the Act.
 - Year Two to Five Fire Services Reform Implementation Plan, November 2021.
- Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2020-21.
- Game Management Authority — Report, 2020-21 (*in lieu of that tabled on 28 October 2021*).
- Goulburn Valley Health (GVHealth) — Report, 2020-21.
- Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Great Ocean Road Coast and Parks Authority — Report, 2020-21.
- Great Ocean Road Health — Report, 2020-21.
- Heathcote Health — Report, 2020-21.
- Heritage Council of Victoria — Minister's report of receipt of the 2020-21 report.
- Hesse Rural Health Service — Report, 2020-21.
- Heywood Rural Health Service — Report, 2020-21.
- Inglewood and Districts Health Service — Report, 2020-21.

- Judicial Entitlements Act 2015 — Judicial Entitlements Panel's Own Motion Recommendations to the Attorney-General Report, September 2021, under section 33 of the Act.
- Kerang District Health — Report, 2020-21.
- Kilmore District Health — Report, 2020-21.
- Kyabram District Health Service — Report, 2020-21.
- Legal Profession Uniform Law Application Act 2014 —
Practitioner Remuneration Order 2021 (*in lieu of that tabled on 10 November 2020*).
Practitioner Remuneration Order 2022.
- Local Jobs First — Report, 2020-21.
- Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Maldon Hospital — Report, 2020-21.
- Mansfield District Hospital — Report, 2020-21.
- Mildura Base Public Hospital — Report, 2020-21.
- Mildura Cemetery Trust — Minister's report of receipt of the 2020-21 report.
- Moyne Health Services — Report, 2020-21.
- National Health Funding Pool — Victoria State Pool Account, Administrator of — Report, 2020-21.
- National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2020-21.
- NCN Health (Nathalia Cobram Numurkah) — Report, 2020-21.
- North East Waste and Resource Recovery Group — Minister's report of receipt of the 2020-21 report.
- Northeast Health Wangaratta — Report, 2020-21.
- Office of the Public Advocate — Report, 2020-21 (*Ordered to be published*).
- Omeo District Health — Report, 2020-21.
- Orbost Regional Health — Report, 2020-21.
- Peninsula Health — Report, 2020-21.
- Portland District Health — Report, 2020-21.
- Radiation Advisory Committee — Report, 2020-21.
- Royal Botanic Gardens Board Victoria — Report, 2020-21.
- Rural Northwest Health — Report, 2020-21.
- Seymour Health — Report, 2020-21.
- South Gippsland Hospital — Report, 2020-21.
- South West Healthcare — Report, 2020-21.
- Stawell Regional Health — Report, 2020-21.
- Subordinate Legislation Act 1994 — Documents under section 15 in relation to —
Statutory Rule Nos. 135, 136 and 138.
Order approving the First Aid in the Workplace Compliance Code, of 26 October 2021, under the Occupational Health and Safety Act 2004.
Order Declaring Certain Motor Vehicles Not to Be Motor Vehicles — Electric Scooter Trial, of 29 October 2021, under the Road Safety Act 1986.
- Surveillance Devices Act 1999 — Reports, 2020-21, under section 30L of the Act, by —
Department of Environment, Land, Water and Planning.
Independent Broad-based Anti-corruption Commission.
Victorian Fisheries Authority.
- Swan Hill District Health — Report, 2020-21.
- Tallangatta Health Service — Report, 2020-21.
- Terang and Mortlake Health Service — Report, 2020-21.
- Terrorism (Community Protection) Act 2003 — Report, 2020-21, by Victoria Police, under section 37F of the Act.
- Timboon and District Healthcare Service — Report, 2020-21.
- Tweddle Child and Family Health Service — Report, 2020-21.
- VicForests — Report, 2020-21.
- Victoria Legal Aid — Report, 2020-21.

Victorian Assisted Reproductive Treatment Authority (VARTA) — Minister's report of receipt of the 2020-21 report, together with an explanation for the delay.

Victorian Building Authority — Report, 2020-21.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2020-21.

Victorian Equal Opportunity and Human Rights Commission — Report, 2020-21 (*Ordered to be published*).

Victorian Law Reform Commission — Report, 2020-21 (*Ordered to be published*).

Victorian Pharmacy Authority — Minister's report of receipt of the 2020-21 report.

Victorian Planning Authority — Report, 2020-21.

West Gippsland Healthcare Group — Report, 2020-21.

West Wimmera Health Service (WWHS) — Report, 2020-21.

Western District Health Service — Report, 2020-21.

Wimmera Health Care Group — Report, 2020-21.

Yarram and District Health Service — Report, 2020-21.

Yarrawonga Health — Report, 2020-21.

Yea and District Memorial Hospital — Report, 2020-21.

Yorta Yorta Traditional Owner Land Management Board —

Minister's report of receipt of the 2018-19 report, together with an explanation for the delay.

Minister's report of receipt of the 2019-20 report, together with an explanation for the delay.

- 4 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.

- 5 BUSINESS POSTPONED** — Ms Taylor moved, That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Dr Cumming; 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*)

NOES, 17

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; 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.

- 6 WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Davis were circulated.

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

- 7 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 record keeping** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Monday, 22 November 2021.
- **Money laundering in the property market** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 22 November 2021.

- **Rideshare – sexual assault and misconduct** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 22 November 2021.
- **Cladding Safety Victoria funding** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Stitt due Monday, 22 November 2021.

8 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.

9 WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021 — Debate continued on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; 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, 16

Mr Atkinson; Dr Bach; Ms Bath; Mr Bourman; Dr Cumming; 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.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

On the motion of Ms Taylor, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Barton; 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, 16

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

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

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 2010 in relation to exceptions in respect of religion, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009 in relation to disclosure obligations and applications for orders relating to non-disclosure, to amend the Magistrates' Court Act 1989, the Supreme Court Act 1986, the Constitution Act 1975 and other Acts in relation to dual commission holders, to amend the Criminal Procedure Act 2009 and the Victims' Charter Act 2006 in relation to sentence indications, to amend the Personal Safety Intervention Orders Act 2010 in relation to applications for personal safety intervention orders, to amend the Children, Youth and Families Act 2005 in relation to the Family Division of the Children's Court and to amend the Criminal Procedure Act 2009 and the Family Violence Protection Act 2008 in relation to giving evidence remotely in certain proceedings and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane (for Ms Symes), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

12 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to amend Victorian casino and gambling legislation to implement recommendations of the Royal Commission into the Casino Operator and Licence, strengthen the oversight and regulation of casino operators and establish the Victorian Gambling and Casino Control Commission and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

13 CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021 — The President read a Message from the Assembly presenting *A Bill for an Act to introduce a circular economy in Victoria, to provide for the Head, Recycling Victoria, to provide for a regulatory framework for waste, recycling or resource recovery services, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Leane, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

14 ADJOURNMENT — Mr Leane 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 7.50 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council