



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 8, 9 and 10

No. 8 — Tuesday, 7 March 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

On 28 February 2023 —

Building and Planning Legislation Amendment Act 2023

On 7 March 2023 —

Racing Amendment (Unauthorised Access) Act 2023.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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PRESIDENT'S RULING TAKEN INTO CONSIDERATION — On the motion of David Davis, the ruling made by the President in relation to questions asked by David Davis and directed to Jaclyn Symes relating to an IBAC Commissioner letter (QwN 57) was ordered to be taken into consideration on the next day of meeting.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Recreational duck hunting advice (QwN 62)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Thursday, 9 March 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 **PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — David Davis introduced *A Bill for an Act to amend the Public*

Administration Act 2004 and the Victorian Planning Authority Act 2017 to provide more control over lobbyists.

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

5 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 1 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT —

Pursuant to section 27 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Nicholas McGowan tabled the Parliamentary Budget Office's Report of operations for the Victorian 2022 general election.

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Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Nicholas McGowan tabled the Parliamentary Budget Office Report, 2021-22.

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The Clerk tabled the following papers:

Local Government Act 2020 — Commission of Inquiry into Moira Shire Council (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Frankston Planning Scheme — Amendment C140.

Greater Geelong Planning Scheme — Amendment C431.

Melbourne Planning Scheme — Amendment C413.

Stonnington Planning Scheme — Amendment C329.

Victoria Planning Provisions — Amendment VC215.

Yarra Planning Scheme — Amendment C313.

Safe Drinking Water Act 2003 — Drinking water quality in Victoria — Report, 2021-22.

Statutory Rules under the following Acts —

Port Management Act 1995 — No. 13.

Residential Tenancies Act 1997 — No. 10.

Victorian Civil and Administrative Tribunal Act 1998 — No. 12.

Water Industry Act 1994 — No. 11.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 12.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the President's Report on overdue government responses to standing committee reports, as at 28 February 2023.

6 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 8 March 2023 —

- (1) order of the day No. 2, second reading of the Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023;
 - (2) order of the day made this day, second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;
 - (3) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Road Safety Amendment (Medicinal Cannabis) Bill 2023;
 - (4) notice of motion given this day by Georgie Crozier on the production of documents relating to briefs to the Assistant Treasurer on the banking and financial services contract;
 - (5) order of the day No. 6, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
 - (6) order of the day No. 5, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022;
 - (7) notice of motion No. 19 standing in Bev McArthur's name establishing a Joint Committee to inquire into road trauma and road safety;
- and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 9 March 2023.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Members made statements.

8 BUSINESS POSTPONED — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, government business, Nos. 2 to 7, be postponed until later this day.

9 STATUTE LAW AMENDMENT BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

10 LOCAL GOVERNMENT (MOIRA SHIRE COUNCIL) BILL 2023 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Moira Shire Council, to provide for a second general election for the Moira Shire Council, to make consequential amendments to the Local Government Act 2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn, the Bill was read a first time.

Pursuant to Standing Order 14.35, Lizzie Blandthorn declared the Bill to be an urgent bill and moved, That the Bill be treated as an urgent bill.

Question — put and agreed to.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

Debate ensued.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

- 11 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier (*GC37C, GC38C and GC43C*) circulated amendments proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 12 ADJOURNMENT** — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.17 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 9 — Wednesday, 8 March 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:

Crimes (Assumed Identities) Act 2004 — Reports, 2021-22, under section 31, by — Australian Criminal Intelligence Commission.
Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Reports, 2021-22, under section 42BI, by — Australian Criminal Intelligence Commission.
Victoria Police.

Office of the Victorian Information Commissioner (OVIC) — Process versus Outcome: Investigation into VicForests' handling of a series of FOI requests (*Ordered to be published*).

Surveillance Devices Act 1999 — Reports, 2021-22, under section 30L, by — Department of Environment, Land, Water and Planning.
Environment Protection Authority.
Office of the Special Investigator.
Victoria Police.

- 3 PETITIONS QUALIFYING FOR DEBATE — ANTICIPATION RULE** — David Limbrick moved, by leave, That Standing Order 12.17 be suspended to the extent necessary to allow the debate on the question, That the petition titled Amend the Health Legislation (Information Sharing) Bill 2023 be taken into consideration, to occur today.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Members made statements.

- 5 PUBLIC HEALTH AND WELLBEING AMENDMENT (HEALTH SERVICES PERFORMANCE TRANSPARENCY AND ACCOUNTABILITY) BILL 2023** — Georgie Crozier laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Georgie Crozier moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 6 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 7 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 8 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT** — Georgie Crozier moved, That this House, in accordance with Standing Order 10.01, requires the Leader of the Government to table in the Council, by 3.00 pm on Thursday, 9 March 2023, the following briefs to the Assistant Treasurer —

- (1) Banking and Financial Services State Purchase Contract Request for Tender (B20/922);
- (2) Mandating all Victorian Government agencies to use the new Banking and Financial Services State Purchase Contract (B20/1092);
- (3) Cash and Banking State Purchase Contract: Deed of Variation (B20/1206);
- (4) Cash and Banking State Purchasing Contract (B20/1983);
- (5) Cash and Banking State Purchase Contract (B21/165);
- (6) Banking and Financial Services State Purchase Contract Request for Tender Process (B21/1053); and
- (7) Banking and Financial Services State Purchase Contract Implementation and Data Inclusions (B21/1073).

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 9 QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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ANSWERS TAKEN INTO CONSIDERATION — On the motion of Melina Bath, the answers given by Harriet Shing to questions relating to the Commonwealth Games village in Morwell (QwN 68) were ordered to be taken into consideration on the next day of meeting.

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

- **Supervised injecting room (QwN 66)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 10 March 2023.
- **Solar e-waste (QwN 70)** — substantive question asked by David Limbrick — response from Ingrid Stitt due Thursday, 9 March 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT — Debate continued on the question, That this House, in accordance with Standing Order 10.01, requires the Leader of the Government to table in the Council, by 3.00 pm on Thursday, 9 March 2023, the following briefs to the Assistant Treasurer —

- (1) Banking and Financial Services State Purchase Contract Request for Tender (B20/922);
- (2) Mandating all Victorian Government agencies to use the new Banking and Financial Services State Purchase Contract (B20/1092);
- (3) Cash and Banking State Purchase Contract: Deed of Variation (B20/1206);
- (4) Cash and Banking State Purchasing Contract (B20/1983);
- (5) Cash and Banking State Purchase Contract (B21/165);
- (6) Banking and Financial Services State Purchase Contract Request for Tender Process (B21/1053); and
- (7) Banking and Financial Services State Purchase Contract Implementation and Data Inclusions (B21/1073).

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, general business, No. 4, be postponed until later this day.

12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Katherine Copsey circulated amendments (*SR124C*) proposed to be moved during Committee of the whole.

Trung Luu moved, That debate be adjourned until the Integrity and Oversight Committee have inquired into, considered and reported, by Thursday, 30 November 2023, on the matters raised in the amendments circulated by Katherine Copsey to the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022, and as part of their investigation the Committee must —

- (1) examine arguments for and against expanding the capacity of the Independent Broad-based Anti-corruption Commission (IBAC) to hold public hearings and, in particular, whether the “exceptional circumstance” provision under section 117 of the *Independent Broad-based Anti-corruption Commission Act 2011* excessively restrict the capacity of IBAC to hold public hearings;
- (2) consider whether other jurisdictions have reached a more appropriate balance in respect of public hearings; and
- (3) report on recommendations for the best practice legislative framework for the conduct of public hearings.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

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

NOES, 15

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question agreed to.

13 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Trung Luu (for David Davis) circulated amendments *(GC40C)* proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

14 JOINT COMMITTEE — ROAD TRAUMA AND ROAD SAFETY — Bev McArthur moved, by leave, in an amended form, That —

- (1) a Joint Committee be established to inquire into, consider and report to both Houses on any proposal, matter or thing concerned with —
 - (a) road trauma;
 - (b) safety on roads and related matters;
- (2) the Committee shall consist of —
 - (a) four Assembly members nominated by the Leader of the House in the Assembly and the Manager of Opposition Business in the Assembly;
 - (b) three Council members nominated by the Leader of the Government in the Council and the Leader of the Opposition in the Council;
- (3) the members be appointed by lodgement of the names with the Speaker and President no later than 28 March 2023;
- (4) a majority of the members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (5) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (7) 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
- (8) a message be sent to the Legislative Assembly requesting their agreement.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

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

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question negated.

15 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Harriet Shing, the debate was adjourned until later this day.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

16 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

Business interrupted at 5.50 pm, pursuant to Sessional Orders.

17 PETITIONS (QUALIFYING FOR DEBATE) — AMEND THE HEALTH LEGISLATION (INFORMATION SHARING) BILL 2023 — David Limbrick moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

18 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.40 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 10 — Thursday, 9 March 2023

- 1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Auditor-General — Maintaining Railway Assets Across Metropolitan Melbourne, March 2023 (*Ordered to be published*).
 - Crown Land (Reserves) Act 1978 — Order of 26 September 2022 giving approval to the granting of a licence at Treasury Gardens.
 - Jobs, Precincts and Regions Department — Report, 2021-22.
 - Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2022-23 Budget Estimates.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 13 and 15.
- 3 **SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 21 March 2023.
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Members made statements.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, government business, Nos. 2 to 36, be postponed until later this day.
- 6 **HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Sonja Terpstra (for Lizzie Blandthorn) (*LB05C*) and David Limbrick (*DL44C and DL45C*) circulated amendments proposed to be moved during Committee of the whole.
Question — put and agreed to.
Bill read a second time.
David Limbrick moved, That, pursuant to Standing Order 14.12(b), the Health Legislation Amendment (Information Sharing) Bill 2023 and all amendments that have been circulated for the Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report by Tuesday, 21 March 2023.
Debate ensued.
Question — put.
The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

Question negated.

Bill committed to a Committee of the whole.

House in Committee.

Business interrupted at 12.00 noon.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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

- **Hemp industry grants (QwN 74)** — substantive and supplementary questions asked by David Ettershank — response from Jaclyn Symes due Friday, 10 March 2023.
- **Beach Energy Environment plan (QwN 76)** — substantive and supplementary questions asked by Sarah Mansfield — response from Ingrid Stitt due Tuesday, 14 March 2023.
- **Health IT systems – cyber security (QwN 78)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Lizzie Blandthorn due Tuesday, 14 March 2023.
- **Alternative practices to chick shredding (QwN 80)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Friday, 10 March 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023 — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Lizzie Blandthorn moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

NOES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

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

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 9 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Local Government (Moirā Shire Council) Act 2023.

- 10 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Social Services Regulation Act 2021, the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People Act 2012, the Magistrates' Court Act 1989, the Health Services Act 1988 and the Public Health and Wellbeing Act 2008, to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 11 HERITAGE AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Heritage Act 2017 to provide for exclusion determinations and to make other amendments to improve the operation of the Act and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

12 SELECT COMMITTEE — VICTORIA'S RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS — Lizzie Blandthorn moved, That —

- (1) a select committee of nine members be established to inquire into, consider and report by 31 August 2023 on Victoria's recreational native bird hunting arrangements, including but not limited to —
 - (a) the operation of annual native bird hunting seasons;
 - (b) arrangements in other Australian jurisdictions;
 - (c) their environmental sustainability and impact on amenity;
 - (d) their social and economic impact;
- (2) the committee will consist of three members from the Government nominated by the Leader of the Government in the Legislative Council, three members from the Liberal-National Coalition nominated by the Leader of the Opposition in the Legislative Council and three members from among the remaining members in the Council;
- (3) the members will be appointed by lodgement of the names with the President no later than 10 March 2023;
- (4) the first meeting of the Committee will be held within one week of members' names being lodged with the President; and
- (5) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

Debate ensued.

Business interrupted at 6.30 pm.

On the motion of Lee Tarlamis, the meal break scheduled for this day was suspended.

Debate continued.

David Limbrick moved, as an amendment, That in paragraph (1), **omit** "31 August 2023" and **insert** "31 October 2023" in its place.

Debate ensued.

Question — That the amendment moved by David Limbrick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier;
Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu;
Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland;
Rikkie-Lee Tyrrell.

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

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan;
David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh;
Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing;
Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

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

Question agreed to.

13 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.41 pm until Tuesday, 21 March 2023.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 8, 9 and 10

HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023

Committed Thursday, 9 March 2023

Amendments circulated: Lizzie Blandthorn (LB05C) (see pp. 69-71), Georgie Crozier (GC37C, GC38C and GC43C) (see pp. 71-2) and David Limbrick (DL44C and DL45C) (see pp. 73-5)

Clauses 1 to 3 — put and agreed to.

Clause 4 — Lizzie Blandthorn moved amendment No. 1 (LB05C).

Question — That the amendment be agreed to — put and agreed to.

Georgie Crozier moved amendment Nos. 1 to 3 (GC37C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.

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

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

Question negated.

David Limbrick moved amendment No. 1 (DL44C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

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

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

Question negatived.

Georgie Crozier moved amendment Nos. 1 and 2 (GC38C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

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

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

Question negatived.

Lizzie Blandthorn moved amendment Nos. 2 and 3 (LB05C).

Question — That the amendments be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 and 6 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023***Amendments circulated by Lizzie Blandthorn (LB05C)*

1. Clause 4, page 4, after line 26 insert—

"Privacy Management Framework means the Privacy Management Framework established under section 134ZT;"

2. Clause 4, page 14, line 17, omit "**1982.**" and insert "**1982.**".

3. Clause 4, page 14, after line 17 insert—

"Division 6—Privacy Management Framework

134ZT Minister must establish Privacy Management Framework

- (1) The Minister, by order published in the Government Gazette, must establish a Privacy Management Framework for the Electronic Patient Health Information Sharing System as soon as practicable after the day on which this Part comes into operation.
- (2) In establishing the Privacy Management Framework, the Minister must consult with the following persons and bodies in relation to whether certain health information or classes of health information should require additional levels of protection under the Privacy Management Framework—
 - (a) relevant groups and organisations that represent the interests of patients, carers or health care workers;
 - (b) any relevant public sector body within the meaning of the **Public Administration Act 2004**;
 - (c) participating health services.
- (3) The Privacy Management Framework must—
 - (a) specify categories of health information that are sensitive in nature and include a process to safeguard that information; and
 - (b) include a process to safeguard the identity of patients who may be at risk of harm, including patients who identify as being at risk of family violence; and
 - (c) include a process to facilitate patients accessing reports that specify who has accessed their health information through the Electronic Patient Health Information Sharing System; and
 - (d) include a process for regular audits and compliance checks of the Electronic Patient Health Information Sharing System.

- (4) The Privacy Management Framework takes effect on—
- (a) the day on which it is published in the Government Gazette; or
 - (b) a later day as specified in the order.

Note

Section 41A of the **Interpretation of Legislation Act 1984** provides that the power to make an instrument includes the power to repeal, revoke, rescind, amend, alter or vary the instrument in the exercise of that power.

134ZU Compliance with Privacy Management Framework

Any person who is authorised or permitted under this Part to access the Electronic Patient Health Information Sharing System must comply with the Privacy Management Framework to the extent reasonably practicable.

Division 7—Independent review of this Part

134ZV Independent review by expert panel

- (1) The Minister must cause an independent review of the operation of this Part, including the Privacy Management Framework, to be conducted by an expert panel after the second anniversary of the day on which this Part comes into operation.
- (2) The independent review must examine and make recommendations in relation to the following—
 - (a) whether health information is sufficiently protected;
 - (b) which health services should be participating health services for the purposes of this Part;
 - (c) the misuse of specified patient health information;
 - (d) the costs of compliance and the administrative burden imposed on participating health services by this Part;
 - (e) whether the Electronic Patient Health Information Sharing System is operating as intended.
- (3) The independent review may examine and make recommendations in relation to the following—
 - (a) current issues and trends relating to health information systems;
 - (b) data management;
 - (c) information technology security;
 - (d) patient privacy;
 - (e) any other relevant matter.
- (4) The independent review must be completed no later than the third anniversary of the day on which this Part comes into operation.

- (5) The Minister must cause a copy of a report of the independent review to be laid before each House of Parliament no later than 3 sitting days after the day on which the final report of the independent review is given to the Minister.
- (6) The Minister must consider any recommendations made by the independent review, including any recommendations to amend this Act, and within 18 months of receiving the final report—
 - (a) implement the recommendations made by the independent review; or
 - (b) advise Parliament why the recommendations have not been implemented.

134ZW Appointment of expert panel

- (1) For the purposes of section 134ZV, the Minister must appoint 3 persons to form the expert panel.
- (2) The Minister must ensure that each person appointed to the expert panel has experience in one or more of the following—
 - (a) human rights and privacy matters;
 - (b) legal and regulatory compliance;
 - (c) health information systems;
 - (d) clinical care;
 - (e) health care quality and patient safety;
 - (f) consumer or patient advocacy.
- (3) The Minister must not appoint a person to the expert panel if the person is—
 - (a) a current employee or executive officer of a registered political party within the meaning of the **Electoral Act 2002**; or
 - (b) a current or former member of Parliament.'."

Amendments circulated by Georgie Crozier (GC37C)

- 1. Clause 4, page 5, after line 17 insert—
 - "(3) In establishing and maintaining the Electronic Patient Health Information Sharing System, the Secretary must ensure that there is a mechanism to allow a person to opt-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."
- 2. Clause 4, page 5, line 20, before "The" insert "(1)".
- 3. Clause 4, page 5, after line 24 insert—
 - "(2) The Electronic Patient Health Information Sharing System must not contain any health information about a person who has opted-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."

4. Clause 4, page 5, line 27, omit "The" and insert "Subject to subsection (5), the".
5. Clause 4, page 6, after line 28 insert—

"(5) The Secretary must not specify health information in a notice published under subsection (1) about a person who has opted-out or made an application to opt-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."
6. Clause 4, page 8, after line 26 insert—

"134ZLA Person may opt-out of Electronic Patient Health Information Sharing System

 - (1) A person who is or has been a patient in, or has received health services from, a participating health service, may apply to the Secretary not to be included on the Electronic Patient Health Information Sharing System.
 - (2) An application under subsection (1) must—
 - (a) be made in the prescribed manner; and
 - (b) be made in the prescribed form (if any); and
 - (c) include any prescribed particulars (if any).
 - (3) If a person makes an application under subsection (1), the Secretary must ensure that the Electronic Patient Health Information Sharing System does not include any health information about that person.
 - (4) If a person who is included on the Electronic Patient Health Information Sharing System subsequently makes an application under this section, the Secretary must ensure that any health information about that person is removed from the Electronic Patient Health Information Sharing System as soon as practicable."

Amendments circulated by Georgie Crozier (GC38C)

1. Clause 4, page 13, line 26, omit "141." and insert "141.'".
2. Clause 4, page 14, lines 1 to 17, omit all words and expressions on those lines.

Amendments circulated by Georgie Crozier (GC43C)

1. Clause 4, page 4, line 23, omit "2022; or" and insert "2022;".
2. Clause 4, page 4, lines 24 to 26, omit all words and expressions on these lines.

Amendments circulated by David Limbrick (DL44C)

1. Clause 4, page 5, after line 17 insert—

"(3) In establishing the Electronic Patient Health Information Sharing System, the Secretary must ensure that—

(a) there is a mechanism to allow a person to consent to be included in the Electronic Patient Health Information Sharing System in accordance with section 134ZL; and

(b) specified patient health information about a person is only collected, used and disclosed under this Part in accordance with that person's consent."

2. Clause 4, page 6, after line 6 insert—

"(2A) The Secretary must not specify health information in a notice published under subsection (1) about a person who has not provided consent in accordance with section 134ZL."

3. Clause 4, page 8, omit lines 16 to 26 and insert—

"134ZL Consent

(1) A participating health service may only collect, use or disclose specified patient health information about a person as permitted or authorised by this Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.

(2) The Secretary may only collect, use or disclose specified patient health information about a person as permitted or authorised by this Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.

(3) A person who is or has been a patient in, or has received health services from, a participating health service, may consent to being included in the Electronic Patient Health Information Sharing System in a form determined by the Secretary.

(4) A person may consent to some or all of the specified patient health information that is collected or held about them by a participating health service being included in the Electronic Patient Health Information Sharing System.

(5) If a person has consented to being included in the Electronic Patient Health Information Sharing System, that person may specify—

(a) which participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person; or

(b) that all participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person.

- (6) A person may seek advice, including from a registered medical practitioner (whether or not employed by a participating health service), before giving consent under this section.
- (7) The power to give consent under this section may be exercised on behalf of a person who is incapable of giving consent by an authorised representative of that person.
- (8) For the purposes of subsection (7), a person is incapable of giving consent if that person—
 - (a) is under 18 years of age; or
 - (b) does not have decision-making capacity within the meaning of the **Medical Treatment Planning and Decisions Act 2016**.
- (9) In this section, **authorised representative** has the same meaning as it has in section 85(6) of the **Health Records Act 2001**."

Amendments circulated by David Limbrick (DL45C)

1. Clause 4, page 5, after line 24 insert—

"134ZGA Audit function of Electronic Patient Health Information Sharing System

The Secretary must establish and maintain an audit function that records access to specified patient health information in the Electronic Patient Health Information Sharing System."

2. Clause 4, page 11, after line 20 insert—

"134ZOA Person may apply for access report

- (1) A person who is or has been a patient in, or has received health services from, a participating health service, may apply to the Secretary for a report that sets out the information referred to in subsection (2).
- (2) On request under subsection (1), the Secretary must provide to the applicant a report that sets out the following information—
 - (a) which participating health services have accessed specified patient health information about the applicant through the Electronic Patient Health Information Sharing System;
 - (b) whether the Secretary, or any person employed or engaged by the Secretary and authorised under section 134ZO, have accessed specified patient health information about the applicant through the Electronic Patient Health Information Sharing System;
 - (c) when specified patient health information in the Electronic Patient Health Information Sharing System about the applicant has been accessed by a person or entity referred to in paragraph (a) or (b);

- (d) which participating health services have given specified patient health information about the applicant to the Secretary for the purposes of the Electronic Patient Health Information Sharing System."

