



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 51 — Wednesday, 19 February 2020

Proof Version

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

2 **PETITIONS —**

BUILD ROADS, NOT BARRIERS — Mrs McArthur presented a Petition bearing 4,309 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Minister for Roads to abandon the proposed wire-rope barrier installation along the Princes Highway, and instead duplicate the highway in accordance with the justification provided in the 1972 compulsory land acquisition.

Ordered to lie on the Table.

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TREE PLANTING IN NEW URBAN DEVELOPMENTS — Dr Ratnam presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council pass new laws on urban development so that all new building developments in the metropolitan regions of Melbourne are accompanied by tree-planting to green our streets.

Ordered to lie on the Table.

3 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, June to December 2019.

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

5 **SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2019** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Stitt, the debate was adjourned for two weeks.

6 **ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — HEALTH IMPACTS OF AIR POLLUTION** — Dr Cumming moved, That this House —

(1) notes that air pollution —

- (a) is a national environmental and public health issue;
- (b) costs up to \$22 billion each year and contributes to 4,880 deaths nationwide each year;
- (c) contributes to many preventable respiratory, cardiovascular and neurological diseases;
- (d) effects are more pronounced in vulnerable groups, including children and the elderly;

(2) further notes that —

- (a) Victoria is positioned to take progressive, practical actions in minimising the impact of air pollution on all Victorian's health and well-being;

- (b) empowering Victorians to reduce air pollution is possible with minimal economic cost or significant amendment to current legislation;
- (3) recognises —
- (a) the development of the Victorian Air Quality Strategy;
 - (b) that new environment protection legislation will enable the Victorian Environment Protection Authority (EPA) a broader reach in tackling air pollution;
 - (c) the collaboration of leading medical and health researchers;
- (4) requires the Environment and Planning Committee to inquire into, consider and report, by 29 October 2020, on actions to minimise the health impacts of air pollution, including, but not limited to —
- (a) state-wide practical, real-time, cost-effective mitigation strategies;
 - (b) ensuring that Victorian air quality continues to track towards meeting or exceeding current international best practice standards and is enforced;
 - (c) the impact of economic and population growth on air pollution and health outcomes;
 - (d) strengthening commitments across all Victorian Government portfolios to reduce air pollution and minimise the impact on health; and
 - (e) any other related matters.

Debate ensued.

Question — put and agreed to.

7 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 204, be postponed until later this day.

8 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE — Mr Rich-Phillips moved (for Mr Davis), That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

Business having been interrupted at 12 noon pursuant to Sessional Orders —

9 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 a written response be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Road side drug testing** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Thursday, 20 February 2020.

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

11 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2019 — PARTIAL DISALLOWANCE — Debate continued on the question, That this House disallows regulation 5 of the Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2019, pursuant to section 124(4) of the *Mineral Resources (Sustainable Development) Act 1990* and section 23 of the *Subordinate Legislation Act 1994*.

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

Question — That the motion be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Mrs McArthur; Ms Maxwell; Mr Meddick; Ms Patten; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.
(Tellers: Ms Patten and Mr Rich-Phillips)

NOES, 20

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pulford; Dr Ratnam; Ms Shing; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Melhem and Ms Stitt)

Question negatived.

12 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, General Business, No. 2, and Notice of Motion, General Business, No. 235, be postponed until later this day.

13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (OUT OF HOME CARE AGE) BILL 2020 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Stitt, the debate was adjourned until later this day.

14 PROCEDURE COMMITTEE — PETITION REFORM — Ms Patten moved, by leave, in an amended form, That this House —

(1) recognises that —

- (a) the ability to petition the Parliament is a right of all Victorian citizens;
- (b) petitions are the only way an individual or group of citizens can directly place grievances before the Parliament;
- (c) petitions provide an important tool for improving community engagement with the political process;

(2) notes that —

- (a) a petition is a citizen's request for action, however once a copy of the petition has been referred to a Minister by the Clerk, no further action is required, which is a flaw in the parliamentary system of democracy;
- (b) the Australian House of Representatives has a Standing Committee on Petitions which receives and processes petitions on behalf of the House and is able to inquire into and report on matters relating to petitions following their tabling;
- (c) the process for petitions in the Victorian Parliament requires urgent reform;

(3) requires the Procedure Committee to inquire into, consider and report, by 20 August 2020, on any Sessional Order or Standing Order changes that would provide reform of petitions, including appropriate procedures to require the —

- (a) Minister, or Minister representing the relevant Minister in the Legislative Assembly, to table a written response to a petition within 14 days of it being tabled in the Legislative Council;
- (b) Legislative Council to debate the issue raised in a petition upon reaching a certain threshold of petitioners that is to be fixed by the House;

and calls on the Government to implement petition reform no later than 1 January 2021.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Patten.

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

16 ADJOURNMENT — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.19 p.m., adjourned until tomorrow.

ANDREW YOUNG

Clerk of the Legislative Council