



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 32 — Tuesday, 10 September 2019

Proof Version

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
 - 2 **THE LATE MAXWELL JOHN MCDONALD** — The President advised the House of the death, on 28 August 2019, of Mr Maxwell John McDonald, Member of the Legislative Assembly for the Electoral District of Evelyn from 1982 to 1985 and Whittlesea from 1985 to 1992.
Members stood in their places as a mark of respect to the memory of the late Maxwell John McDonald.
 - 3 **ASSENT TO ACTS** — The President read Messages from the —
Administrator, as the Governor's deputy, informing the Council that she had, on 3 September 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Births, Deaths and Marriages Registration Amendment Act 2019
Professional Engineers Registration Act 2019
Governor informing the Council that she had, this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Environment Protection Amendment Act 2019
Flora and Fauna Guarantee Amendment Act 2019
Public Holidays Amendment Act 2019.
 - 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.
Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.
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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:
- **Royal Children's Hospital platypus ward shifts** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 11 September 2019.
 - **East Gippsland fire season preparation** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Thursday, 12 September 2019.
 - **Primary Care Partnership funding** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 11 September 2019.
 - **Parnate drug availability** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Mikakos due Thursday, 12 September 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
 - 6 **JOINT SITTING — SENATE VACANCY** — The President read a Message from the Assembly informing the Council that they had agreed to meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant

by the resignation of Senator the Honourable Mitch Fifield, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 11 September 2019 at 6.15 pm, and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That —

- (1) this House meets with the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mitch Fifield and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 11 September 2019 at 6.15 p.m.;
- (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 11 September 2019 the Order of Business will be —
 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business
 - At **12 noon** Questions
 - Answers to Questions on Notice
 - General Business (continues)
 - At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
 - At **5.45 p.m.** Adjournment (up to 20 members); and
- (3) a Message be sent to the Assembly informing them accordingly.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

7 PETITIONS —

FUND A CONTAINER DEPOSIT SCHEME — Mr Hayes presented a Petition bearing 370 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier and the Minister for Energy, Environment and Climate Change to fund initiatives, like a container deposit scheme, throughout metropolitan and regional Victoria.

Ordered to lie on the Table.

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DUPLICATE TRAIN TRACKS BETWEEN GOWRIE AND UPFIELD — Ms Patten presented a Petition bearing 763 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Public Transport to urgently duplicate the single train track between Gowrie and Upfield to allow the Upfield railway line to run more frequent services, reduce the number of late running services, and prevent trains from being terminated at Coburg station when services are unexpectedly delayed.

Ordered to lie on the Table.

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DUPLICATE TRAIN TRACKS BETWEEN GOWRIE AND UPFIELD — Ms Patten presented a Petition bearing 3,129 signatures from certain citizens of Victoria requesting that the Legislative Council bring to the attention of the Government and the Minister for Public Transport that there is an urgent need to duplicate the Gowrie to Upfield section of the Upfield line in order to allow more frequent services to operate and ensure that trains are not terminated at Coburg Station when services are unexpectedly delayed, services can quickly return to schedule when delays occur and the number of late running services is minimised.

Ordered to lie on the Table.

8 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019

— Ms Patten introduced *A Bill for an Act to amend the Road Safety Act 1986 to provide that prescription medicinal cannabis that does not impair driving is to be treated in the same manner as other prescription drugs and for other purposes.*

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

- 9 CRIMES AMENDMENT (TRESPASS) BILL 2019** — Mr Bourman introduced *A Bill for an Act to amend the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966 to create offences relating to trespass on land with intent to undertake activities that Interfere with activities involving animals, and for other purposes.*

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

10 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 11 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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OMBUDSMAN — OPCAT IN VICTORIA: A THEMATIC INSPECTION OF PRACTICES RELATED TO SOLITARY CONFINEMENT OF CHILDREN AND YOUNG PEOPLE —

Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report titled OPCAT in Victoria: A thematic inspection of practices related to solitary confinement of children and young people, September 2019.

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

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-sixth Amending Deed, pursuant to section 15B(5) of the Act.

Melbourne City Link Thirty-eighth Amending Deed, pursuant to section 15(2) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendment C114.

Boroondara Planning Scheme — Amendment C266.

Cardinia Planning Scheme — Amendment C242.

Glenelg Planning Scheme — Amendment C95.

Greater Dandenong Planning Scheme — Amendment C218.

Greater Geelong Planning Scheme — Amendment C389.

Hume and Kingston Planning Schemes — GC137.

Knox Planning Scheme — Amendment C173.

Mitchell Planning Scheme — Amendment C128.

Whittlesea Planning Scheme — Amendment C237.

Yarra Ranges Planning Scheme — Amendment C166.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 75.

Parliamentary Salaries, Allowances and Superannuation Act 1968 — No. 74.

Residential Tenancies Act 1997 — No. 72.

Supreme Court Act 1986 — No. 73.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 70 and 73 to 75.

- 11 BUSINESS OF THE COUNCIL** — Dr Ratnam moved, by leave, That precedence be given to the following General Business on Wednesday, 11 September 2019:

- (1) Order of the Day No. 3, second reading of the Wildlife Amendment (Protection of Birds) Bill 2019;
- (2) Order of the Day made this day, second reading of the Crimes Amendment (Trespass) Bill 2019;
- (3) Order of the Day No. 1, resumption of debate on the second reading of the Racial and Religious Tolerance Amendment Bill 2019;
- (4) the notice of motion given this day by Mr Quilty in relation to the Murray-Darling Basin Plan;

- (5) Order of the Day No. 2, resumption of debate on the second reading of the Public Administration Amendment Bill 2019;
- (6) Notice of Motion No. 147 standing in the name of Dr Ratnam in relation to the Western Highway Duplication Project;
- (7) Notice of Motion No. 114 standing in the name of Mr Barton in relation to proposed amendments to the Standing Orders;
- (8) the notice of motion given this day by Ms Patten referring matters relating to petitions to the Procedure Committee; and
- (9) the notice of motion given this day by Ms Lovell in relation to the Shepparton Education Plan.

Question — put and agreed to.

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

13 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 141, be postponed until later this day.

14 CHILDREN LEGISLATION AMENDMENT BILL 2019 — 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 committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was 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.

15 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2019 — 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 returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT — Ms Symes 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 6.16 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council