



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 29, 30 and 31

No. 29 — Tuesday, 27 August 2019

- 1 The President took the Chair, 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 20 August 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Assembly —
Essential Services Commission Amendment (Governance, Procedural and Administrative Improvements) Act 2019
Public Health and Wellbeing Amendment Act 2019
Water and Catchment Legislation Amendment Act 2019
On this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments —
Assisted Reproductive Treatment Amendment (Consent) Act 2019.
- 3 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor informing him that she had received a letter from the Governor-General advising of a vacancy in the representation of the State of Victoria in the Senate through the resignation of Senator the Honourable Mitch Fifield.
- 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:
 - **Latrobe Valley Authority overseas travel** — supplementary question asked by Mr O'Donohue — response from Ms Symes due Thursday, 29 August 2019.
 - **Forest sustainability/logging** — supplementary question asked by Dr Ratnam — response from Ms Symes due Wednesday, 28 August 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **PETITIONS** —
HEATHMONT EAST PRIMARY SCHOOL UPGRADE — Mr Atkinson presented a Petition bearing 525 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to urgently fund the upgrade of Heathmont East Primary School to ensure that students, teachers and the broader school community are safe, there is access to free and clean drinking water, and the buildings and grounds are clear of asbestos and termites.

Ordered to lie on the Table.

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INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 4,431 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management and provide recommendations to the Government in a final report.

Ordered to lie on the Table.

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WAURN PONDS TRAIN STABLING AND MAINTENANCE YARD — Mr Grimley presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Transport Infrastructure, the Honourable Jacinta Allan MP, and Rail Projects Victoria to develop the Waurn Ponds Train Stabling and Maintenance Yard on an alternative site to secure a sustainable and strong outcome for all stakeholders.

Ordered to lie on the Table.

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POCKET PARK ON TARELLA ROAD, CHELSEA — Mr Hayes presented a Petition bearing 158 signatures from certain citizens of Victoria requesting that the Legislative Council support the purchase of land at 19 Tarella Road, Chelsea to be used as a pocket park to alleviate the significant shortfall of open space in the Tarella Road planning area.

Ordered to lie on the Table.

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SHEPPARTON EDUCATION PLAN — Ms Lovell presented a Petition bearing 1,157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cease and desist the Shepparton Education Plan so that the four public secondary schools proposed for amalgamation remain functioning as single entities.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

- 7 PUBLIC ADMINISTRATION AMENDMENT BILL 2019** — Mr O'Donohue introduced *A Bill for an Act to amend the Public Administration Act 2004 to clarify standards that apply to public sector bodies in relation to publication of public sector communications and for other purposes*. On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

8 PAPERS —

LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO A LEGISLATED SPENT CONVICTIONS SCHEME — Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into a legislated spent convictions scheme (including Appendices, Extract of Proceedings and a Minority Report), and further presented Transcripts of Evidence.

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

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

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 10 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2018 — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented the

Annual Review 2018 on Regulations and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

Mr Gepp moved, That the Council take note of the Report.

Question — put and agreed to.

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ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RECYCLING AND WASTE MANAGEMENT — INTERIM REPORT — Pursuant to Standing Order 23.29, Mr Melhem presented an Interim Report from the Environment and Planning Committee on the Inquiry into Recycling and Waste Management (including an Appendix).

Ordered to be published.

Mr Melhem moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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:

Crown Land (Reserves) Act 1978 —

Minister's Order of 21 July 2019 giving approval to the granting of a lease at Flagstaff Gardens Reserve.

Minister's Order of 21 July 2019 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Minister's Order of 15 August 2019 giving approval to the granting of a lease at Cape Paterson Caravan Park.

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

Melbourne Planning Scheme — Amendments C271 and C355.

Victoria Planning Provisions — Amendment VC159.

Professional Standards Act 2003 — Chartered Accountants Australia and New Zealand Professional Standards Scheme (*Gazette No. S314, 7 August 2019*).

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 69.

Occupational Health and Safety Act 2004 — No. 71.

Subordinate Legislation Act 1994 — No. 70.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 67.

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PROCLAMATION — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Disability Service Safeguards Act 2018 — Remaining provisions of Part 1, Part 2, Division 3 of Part 16 and Sections 287(1), 291 and 292 — 20 August 2019 (*Gazette No. S324, 20 August 2019*).

9 BUSINESS OF THE COUNCIL — Dr Cumming moved, by leave, That precedence be given to the following General Business on Wednesday, 28 August 2019:

- (1) Order of the Day made this day, second reading of the Public Administration Amendment Bill 2019;
- (2) Order of the Day for the second reading of the Racial and Religious Tolerance Amendment Bill 2019;
- (3) the notice of motion given this day by Mr Meddick in relation to duck shooting;
- (4) Notice of Motion No. 115 standing in the name of Mr Grimley referring a matter to the Legal and Social Issues Committee relating to child sexual offenders;
- (5) the notice of motion given this day by Mr Davis in relation to the Eastern Freeway;
- (6) the notice of motion given this day by Ms Crozier in relation to public health funding;

(7) the notice of motion given this day by Ms Patten, on behalf of the crossbench, in relation to International Overdose Awareness Day; and

(8) the notice of motion given this day by Mr Grimley, on behalf of the crossbench, in relation to organ donation awareness and Jersey Day.

Question — put and agreed to.

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

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

12 PROFESSIONAL ENGINEERS REGISTRATION BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Limbrick were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(*Tellers: Mr Bourman and Mr Gepp*)

NOES, 15

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

Question agreed to.

Bill read a second time.

Mr Quilty moved, That the Professional Engineers Registration Bill 2019 be referred to the Economy and Infrastructure Committee for inquiry, consideration and report by Tuesday, 26 November 2019.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

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

NOES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(*Tellers: Mr Barton and Mr Hayes*)

Question negatived.

Bill ordered to be committed to a Committee of the whole later this day.

13 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

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

[Sitting suspended from 6.30 p.m. to 7.30 p.m.]

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

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

(Tellers: Dr Kieu and Ms Vaghela)

NOES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Ms Lovell)

Question agreed to.

Bill read a second time.

The President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —

Mr Quilty moved, by leave, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Births, Deaths and Marriages Registration Act 1996* to provide that when a birth certificate is issued, it does not include the sex of a person unless specifically requested.

Amendments proposed to be moved in Committee by Mr Quilty were circulated.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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, 26

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

(Tellers: Dr Cumming and Dr Ratnam)

NOES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Grimley and Mrs McArthur)

Question agreed to.

Bill read a third time.

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

14 PROFESSIONAL ENGINEERS REGISTRATION BILL 2019 — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Jennings 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, 25

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

(Tellers: Mr Barton and Ms Taylor)

NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr O'Donohue and Ms Wooldridge)

Question agreed to.

Bill read a third time.

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

15 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 10.47 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 30 — Wednesday, 28 August 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — OMBUDSMAN FOR RETIREMENT HOUSING** — Mr Ondarchie presented a Petition bearing 62 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish an Ombudsman for retirement housing to ensure that there is a low-cost, timely and binding way to resolve serious retirement housing disputes without the need to go through courts and tribunals.
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 Report on Managing Registered Sex Offenders, August 2019
(Ordered to be published).
Land Acquisition and Compensation Act 1986 — Minister's certificate of 21 August 2019 to not require the service of a notice of intention to acquire land, pursuant to section 7(1)(c) of the Act.
Voluntary Assisted Dying Act 2017 — Voluntary Assisted Dying Review Board's Report of Operations, 1 January 2019 to 30 June 2019.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **PUBLIC ADMINISTRATION AMENDMENT 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 Mr Melhem, the debate was adjourned for one week.

6 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019 — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Patten moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

7 DUCK HUNTING SEASON — Mr Meddick moved, That this House notes that —

- (1) Australia's native waterbirds are at perilously low numbers;
- (2) the current climate emergency is not considered in the environmental assessment of a duck shooting season;
- (3) one million species around the world are facing extinction because of human activity;
- (4) the 2019 duck shooting season opening saw the lowest shooter participation rate on record;
- (5) a majority of Victorians do not support duck shooting;
- (6) the alleged economic benefits from duck shooting have been roundly criticised by numerous independent experts;
- (7) Victoria is home to some of the best wetlands in the world that are perfect for recreational activities such as bird-watching, kayaking, picnicking and hiking;
- (8) legislation omits those without a shooting license to go near the water before a certain time, limiting wetland use for non-shooters;
- (9) nature-based tourism makes a positive contribution to the state's economy and there is appetite for its expansion in regional Victoria;

and calls on the Government to stop the 2020 duck shooting season from going ahead.

Debate ensued.

Ms Stitt moved, That the debate be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Hayes and Ms Vaghela)

NOES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Ondarchie and Mr Rich-Phillips)

Question agreed to.

8 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — CHILD SEX OFFENDERS —

Mr Grimley moved, That this House —

- (1) notes the —
 - (a) protection of children should be the highest priority for any government;
 - (b) valuable work undertaken by Victoria Police in investigating serious sex offences and apprehending and prosecuting offenders;
 - (c) Government should endeavour to work alongside law enforcement agencies at every opportunity in order to prevent opportunities for sexual offending and ensure community safety;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, into the best means to —
 - (a) store data and information regarding convicted child sex offenders;
 - (b) prevent sexual offences from occurring through improved public awareness;

- (c) investigate the circumstances in which the details of convicted child sex offences can be made public;

and any other matters the Committee determines to be relevant.

Debate ensued.

Business having been interrupted at 12.00 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.

An answer to a question on notice was 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:

- **Wombat protection** — substantive question asked by Mr Meddick — response from Mr Jennings due Friday, 30 August 2019.
- **Castlemaine Community Health** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 29 August 2019.
- **North East Link design** — substantive and supplementary questions asked by Mr Barton — response from Ms Symes due Friday, 30 August 2019.
- **Visit Victoria** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Friday, 30 August 2019.
- **Sex work ministerial advisory committee** — substantive and supplementary questions asked by Mr Quilty — response from Mr Somyurek due Friday, 30 August 2019.
- **Suburban rail loop project** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Thursday, 29 August 2019.
- **Special circumstances court list** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Friday, 30 August 2019.

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

11 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — CHILD SEX OFFENDERS — Debate continued on the question, That this House —

(1) notes the —

- (a) protection of children should be the highest priority for any government;
- (b) valuable work undertaken by Victoria Police in investigating serious sex offences and apprehending and prosecuting offenders;
- (c) Government should endeavour to work alongside law enforcement agencies at every opportunity in order to prevent opportunities for sexual offending and ensure community safety;

(2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, into the best means to —

- (a) store data and information regarding convicted child sex offenders;
- (b) prevent sexual offences from occurring through improved public awareness;
- (c) investigate the circumstances in which the details of convicted child sex offences can be made public;

and any other matters the Committee determines to be relevant.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Bourman and Mr Melhem)

NOES, 4

Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.

(Tellers: Ms Patten and Dr Ratnam)

Question agreed to.

- 12 EASTERN FREEWAY HERITAGE LISTING** — Mr Davis moved, That this House notes, but does not support the Government's proposal to heritage list the Eastern Freeway.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; 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 O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Limbrick and Mrs McArthur)

NOES, 20

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

(Tellers: Ms Stitt and Ms Vaghela)

Question negated.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 146, be postponed until later this day.

- 14 DRUG OVERDOSE AWARENESS DAY** — Ms Patten moved, That this House —

- (1) notes that International Overdose Awareness Day is on 31 August and aims to raise awareness of overdose and reduce the stigma of drug related deaths and that —
 - (a) drugs continue to be a major contributor to accidental mortality in Australia;
 - (b) the number of overdose deaths by prescription medication is now larger than all illicit drugs combined;
 - (c) the number of accidental drug related deaths is more than double the number of those killed in car accidents;
 - (d) in 2017, there was a total of 2,162 drug-induced deaths in Australia, a significant increase from the 1,231 deaths in 2002, 15 years prior;
 - (e) of those 2,162 deaths in 2017, 1,612 were unintentional, an increase from 15 years ago with 903 unintentional drug-induced deaths in 2002;
 - (f) stigma can play a major role in these unnecessary deaths;
 - (g) this Awareness Day originated here in Victoria and is recognised in dozens of other countries;
 - (h) harm reduction principles are an important part of preventing overdoses; and
- (2) acknowledges the grief felt by families and friends and commits to use this day to stimulate discussion about overdose prevention.

Debate ensued.

Question — put and agreed to.

15 ORGAN DONATION — JERSEY DAY — Mr Grimley moved, That this House recognises that —

- (1) 30 August is Jersey Day, which promotes awareness of the Organ and Tissue Authority and the Donate Life network;
- (2) Australia is a world leader in successful transplants and in 2018, 1,782 lives were saved through transplantation; and
- (3) this public awareness campaign will hopefully encourage Victorians to discuss organ donation with family and close friends.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —

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

17 INAUGURAL SPEECH — MR ENVER ERDOGAN — Pursuant to Standing Order 5.08, Mr Enver Erdogan made his inaugural speech.

18 ADJOURNMENT — Ms Symes moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.27 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 31 — Thursday, 29 August 2019

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

2 **PETITION — SHUT DOWN AUSSIE FARMS WEBSITE** — Ms Bath presented a Petition bearing 6,559 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to revoke Aussie Farms' status as a charitable organisation, shut down the Aussie Farms website and implement stronger legal protections to appropriately penalise trespassers.

Ordered to lie on the Table.

3 **VICTORIAN PUBLIC HEALTH AND WELLBEING PLAN 2019-2023** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian public health and wellbeing plan 2019-2023.

Question — put and agreed to.

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

4 **PAPERS** —

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 Office — Report, 2018-19.

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

Bayside Planning Scheme — Amendment C151.

Boroondara Planning Scheme — Amendment C314.

Casey Planning Scheme — Amendment C235.

Greater Dandenong and Kingston Planning Schemes — Amendment GC107.

Greater Geelong Planning Scheme — Amendment C398.

Kingston Planning Scheme — Amendment C149.

Maroondah Planning Scheme — Amendment C132.

Moreland Planning Scheme — Amendment C177.

Port Phillip Planning Scheme — Amendment C170.

Surf Coast Planning Scheme — Amendment C129.

Victoria Planning Provisions — Amendment VC163.
Whittlesea Planning Scheme — Amendment C232.
Yarra Ranges Planning Scheme — Amendment C184.

PRIVILEGES COMMITTEE — PARLIAMENTARY INTEGRITY ADVISER — Pursuant to Standing Order 23.29, Ms Shing laid on the Table a joint Report of the Assembly and Council Privileges Committees on the appointment of a Parliamentary Integrity Adviser (including Appendices).

Ordered to be published.

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

Question — put and agreed to.

5 SITTING OF THE COUNCIL — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 10 September 2019.

Question — put and agreed to.

6 STRATEGIC DIRECTION AND PRIORITIES OF THE PARLIAMENT OF VICTORIA 2019-2022 — Mr Davis moved, by leave, That there be laid before this House a copy of the Strategic Direction and Priorities of the Parliament of Victoria 2019-2022.

Question — put and agreed to.

The document was presented by Mr Davis and ordered to lie on the Table.

7 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP — Ms Symes moved, by leave, That Mr Erdogan be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

8 MESSAGE FROM ASSEMBLY — PARLIAMENTARY INTEGRITY ADVISER — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That Mr Ray Purdey be appointed as parliamentary integrity adviser, from 1 September 2019 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix 1 of the Privileges Committees' joint report on the appointment of a Parliamentary Integrity Adviser and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council agrees with the Assembly and resolves, That —

- (1) Mr Ray Purdey be appointed as parliamentary integrity adviser, from 1 September 2019 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix 1 of the Privileges Committees' joint report on the appointment of a Parliamentary Integrity Adviser; and
- (2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

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

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

11 FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

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

Question — put and agreed to.

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

House in Committee.

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

12 QUESTIONS AND MINISTERS' STATEMENTS — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

* * * * *

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

- **Werribee East – land contamination** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Friday, 30 August 2019.
- **Engineers legislation consultation** — substantive question asked by Mr Limbrick — response from Mr Jennings due Monday, 2 September 2019.
- **Murray-Darling Basin Plan** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Monday, 2 September 2019.

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QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 14 as follows:

- **Castlemaine Community Health** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Friday, 30 August 2019.

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

14 FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019 — Bill further considered in Committee of the whole.

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 ENVIRONMENT PROTECTION AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Meddick and Ms Taylor)

NOES, 3

Mr Bourman; Mr Limbrick; Mr Quilty.

(Tellers: Mr Bourman and Mr Limbrick)

Question agreed to.

The President having ruled that certain amendments proposed to be moved in Committee by Dr Ratnam were outside the scope of the Bill —

Dr Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Environment Protection Amendment Act 2018* to insert provisions into the *Environment Protection Act 2017* that prohibit the sale or provision of certain single use items made of plastic or polystyrene.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Jennings 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, 36

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Erdogan and Mr Meddick)

NOES, 3

Mr Bourman; Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

Bill read a third time.

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

16 PUBLIC HOLIDAYS AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

An Amendment proposed to be moved in Committee by Ms Patten was circulated.

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

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

Debate continued 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.

17 CHILDREN LEGISLATION AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Children Legislation Amendment (Information Sharing) Act 2018, the Crimes Act 1958, the Evidence Act 2008, the Privacy and Data Protection Act 2014, the Working with Children Act 2005 and the Limitation of Actions Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford 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 Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

18 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Uniform Law Application Act 2014 to change the membership of certain inter-jurisdictional administrative bodies, to validate certain actions and decisions and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford 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 Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 19 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Mineral Resources (Sustainable Development) Act 1990, the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford 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 Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 20 RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Renewable Energy (Jobs and Investment) Act 2017 to establish a target of 50% of electricity generated in Victoria to be sourced from renewable energy by 2030 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pulford 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 Pulford, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 21 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 8.11 p.m., adjourned until Tuesday, 10 September 2019.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 29, 30 and 31

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019

Committed Tuesday, 27 August 2019

Amendments circulated: Mr Quilty (see p. 224).

Clause 1 — Mr Quilty moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

Clauses 2 to 38 — put and agreed to.

Bill reported without amendment.

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PROFESSIONAL ENGINEERS REGISTRATION BILL 2019

Committed Tuesday, 27 August 2019

Amendments circulated: Mr Limbrick (DL01C and DL02C) (see pp. 224-5).

Clauses 1 to 12 — put and agreed to.

Clause 13 — Mr Limbrick moved Amendment No. 1 (DL02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; 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; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Dr Cumming and Mr Quilty)

NOES, 24

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

(Tellers: Mr Erdogan and Ms Terpstra)

Question negatived.

Clause 13 — put and agreed to.

Clauses 14 to 79 — put and agreed to.

Clause 80 — Mr Limbrick moved Amendment No. 1 (DL01C).

Question — That clause 80 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

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

(Tellers: Mr Gepp and Dr Kieu)

NOES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Mr Limbrick and Mr Quilty*)

Question agreed to.

Clause 81 — Mr Limbrick moved Amendment No. 2 (*DL01C*).

Question — That clause 81 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

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

(*Tellers: Mr Meddick and Dr Ratnam*)

NOES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Dr Cumming and Mr Hayes*)

Question agreed to.

Clauses 82 to 138 — put and agreed to.

Bill reported without amendment.

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FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019

Committed Thursday, 29 August 2019

Amendments circulated: Dr Ratnam (see pp. 225-7).

Clauses 1 to 5 — put and agreed to.

Clause 6 — Dr Ratnam moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

(*Tellers: Dr Cumming and Mr Meddick*)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Mr Elasmarr and Dr Kieu*)

Question negated.

Dr Ratnam moved Amendment Nos. 4 and 5 — put and negated.

Clause 6 — put and agreed to.

Clauses 7 to 14 — put and agreed to.

Clause 15 — Dr Ratnam moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.
(*Tellers: Mr Hayes and Dr Ratnam*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.
(*Tellers: Mr Erdogan and Ms Stitt*)

Question negated.

Dr Ratnam moved Amendment Nos. 7 to 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.
(*Tellers: Mr Barton and Mr Meddick*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.
(*Tellers: Mr Bourman and Mr Melhem*)

Question negated.

Dr Ratnam moved Amendment Nos. 10 to 12 — put and negated.

Clause 15 — put and agreed to.

Clause 16 — Dr Ratnam moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.
(*Tellers: Dr Cumming and Mr Meddick*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.
(*Tellers: Ms Patten and Ms Pulford*)

Question negated.

Clause 16 — put and agreed to.

Clauses 17 to 19 — put and agreed to.

Clause 20 — Dr Ratnam moved Amendment Nos. 15 to 17 — put and negated.

Clause 20 — put and agreed to.

Clauses 21 to 56 — put and agreed to.

Bill reported without amendment.

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ENVIRONMENT PROTECTION AMENDMENT BILL 2019

Committed Thursday, 29 August 2019

Amendments circulated: Dr Ratnam (see pp. 227-8).

Clause 1 — Dr Ratnam moved, in an amended form, Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Dr Cumming; Mr Hayes; Mr Meddick; Dr Ratnam.

(Tellers: Dr Cumming and Mr Meddick)

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Bourman and Mr Quilty)

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 to 48 — put and agreed to.

Bill reported without amendment.

* * * * *

PUBLIC HOLIDAYS AMENDMENT BILL 2019

Committed Thursday, 29 August 2019

Amendments circulated: Mr Bourman (see pp. 228-9) and Ms Patten (see p. 229).

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Patten moved Amendment No. 1 — put and negatived.

Clause 3 — put and agreed to.

New Clauses — Mr Bourman moved Amendment No. 1.

Question — That the New Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Mr Bourman; Mr Limbrick; Ms Patten; Mr Quilty.

(Tellers: Mr Bourman and Ms Patten)

NOES, 34

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmar; Mr Erdogan; Mr Finn; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Dr Cumming and Ms Maxwell)

Question negatived.

Clause 4 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019**Amendments circulated by Mr Quilty

1. Clause 1, page 2, after line 32 insert—
 - "(ix) to provide that when a birth certificate is issued, it does not include the sex of a person unless specifically requested; and".
2. Clause 9, page 13, line 16, after "must" insert "not".
3. Clause 9, page 13, line 18, after "altered" insert "unless the applicant has specifically requested that the sex should be shown on the certificate".

NEW CLAUSES

4. After clause 6, insert the following new clause—

'6A How to have the birth of a child registered

At the end of section 14 of the Principal Act **insert—**

"(2) Unless the person registering a child's birth has specifically requested that the certificate of birth registration issued as a result of the registration should include the sex of the child to whom the certificate relates, the Registrar must not issue a certificate which includes that information.".

5. After clause 17, insert the following new clauses—

'17A Search of Register

After section 45(4) of the Principal Act **insert—**

"(5) If the application for a search relates to a birth registration and the applicant applies for the issue of a certificate of birth registration under section 46, the certificate of birth registration to be issued by the Registrar must not include the sex of the person to whom the certificate relates unless the applicant specifically requests that it be included on the certificate.".

17B Issue of certificate

After section 46(2) of the Principal Act **insert—**

"(3) If the application relates to a birth registration and the applicant has not specifically requested that the certificate of birth registration include the sex of the person to whom the certificate relates, the Registrar must not issue a certificate which includes that information.".

2. PROFESSIONAL ENGINEERS REGISTRATION BILL 2019Amendments circulated by Mr Limbrick (DL01C)

1. Clause 80, omit this clause.
2. Clause 81, omit this clause.

Amendment circulated by Mr Limbrick (DL02C)

Clause 13, lines 29 to 35, page 11, lines 1 to 4, omit all words and expressions on these lines and insert—

- "(a) whether the person, within the preceding 10 years, has been convicted or found guilty of an offence under any law of the Commonwealth, or another State or a Territory, regulating the provision of professional engineering services;"

3. FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019

Amendments circulated by Dr Ratnam

1. Clause 6, page 12, line 2, omit "**proper consideration of objectives**" and insert "**effect to objectives and principles**".
2. Clause 6, page 12, lines 7 and 8, omit "proper consideration to the objectives" and insert "effect to the objectives and principles".
3. Clause 6, page 12, line 14, omit "proper consideration" and insert "effect".
4. Clause 6, page 12, line 18, omit "determinations; and" and insert "determinations."
5. Clause 6, page 12, line 19, omit all words and expressions on this line and insert—

"(3A) A public authority, in performing a function under this Act or any other Act, must not contravene a management plan."
6. Clause 15, page 36, after line 27 insert—

"(4) Despite anything else in this section, the Secretary must make a critical habitat determination in respect of an area if—

 - (a) the area includes a listed taxon or community of flora or fauna that is critically endangered; or
 - (b) the area includes a listed taxon or community that is endemic to Victoria; or
 - (c) the area includes a listed taxon or community that is the subject of a specific conservation program, the cessation of which would result in the taxon or community becoming vulnerable, endangered or critically endangered within 5 years.

(5) A critical habitat determination must be made under subsection (4) within 12 months of the taxon or community of flora or fauna being specified in the Threatened List."
7. Clause 15, page 36, line 28, after "**Committee**" insert "**and the public**".
8. Clause 15, page 36, line 29, after "Committee" insert "or any person".
9. Clause 15, page 37, line 4, after "Committee" insert "or person".
10. Clause 15, page 37, line 8, after "Internet" insert "within 12 months of a recommendation".
11. Clause 15, page 39, line 33, omit "habitat." and insert "habitat, including—".
12. Clause 15, page 39, after line 33 insert—

"(a) measures that would reasonably be expected to protect a taxon or community, halt its decline and enhance recovery; and

(b) measures that mitigate or halt threatening processes."
13. Clause 16, after line 19 insert—

"(3A) The Secretary, within 12 months of a taxon or community of flora or fauna or potentially threatening process being specified in the Threatened List or the Processes List, must make a management plan in respect of the listed taxon, community or process if—

- (a) the taxon or community is endangered or critically endangered; or
- (b) the threats to the taxon or community include activities, works or operations undertaken by or on behalf of a public authority; or
- (c) the taxon or community is endemic to Victoria; or
- (d) in the opinion of the Secretary based on advice received from the Committee—

(i) the taxon is ecologically significant; or

(ii) the process is significant.

(3B) The Secretary must consult with the Committee in preparing a management plan.

(3C) The Secretary must publish on the Internet any advice received from the Committee in preparing a management plan."

14. Clause 17, after line 27 insert—

"(1A) A management plan must provide for the following—

- (a) measures to maintain and protect specified levels of sufficient habitat for the taxon or community of flora or fauna;
- (b) measures that are reasonably expected to protect, halt the decline and promote the recovery of the taxon or community of flora or fauna;
- (c) measures that mitigate or halt the potentially threatening process;
- (d) if a critical habitat determination has been made in relation to a taxon or community—any specified activities, works or operations that could adversely affect or otherwise threaten the taxon or community;
- (e) if a critical habitat determination has not been made in relation to a taxon or community—actions to be undertaken to consider whether a critical habitat determination should be made in relation to the taxon or community, including measures to protect critical habitat upon a determination."

15. Clause 20, line 25, omit "made." and insert "made; or".

16. Clause 20, after line 25 insert—

"(c) any other habitat in an area of Victoria."

17. Clause 20, page 44, after line 19 insert—

"(5) Despite anything else in this Division, the Minister must make a habitat conservation order in respect of an area if—

- (a) a critical habitat determination or management plan has been made in respect of the area but the conservation status of a taxon or community of flora or fauna in the area has not improved within three years of the making of the determination or plan; or
- (b) the area is subject to a critical habitat determination but the Secretary has not entered into a critical habitat agreement within 18 months of the making of the determination; or
- (c) the area is subject to a critical habitat determination and a catastrophic event has had or will have a significant impact on a critically endangered taxon or community of flora or fauna in the area.

(6) A habitat conservation order must be made under subsection (5)(c) within 3 months of the Minister becoming aware of the catastrophic event.

(7) The Minister must consult with the Committee in preparing a habitat conservation order.

(8) If the Minister considers whether to make a habitat conservation order under this Division but does not make an order, the Minister must publish on the Internet the

reasons for not making an order, including the scientific reasons why an order was not made."

4. ENVIRONMENT PROTECTION AMENDMENT BILL 2019

Amendments circulated by Dr Ratnam

1. Clause 1, page 2, after line 5 insert—
 - "(c) to amend the **Environment Protection Amendment Act 2018** to insert provisions into the **Environment Protection Act 2017** that prohibit the sale or provision of certain single use items made of plastic or polystyrene; and"
2. Clause 1, page 2, line 6, omit "(c)" and insert "(d)".

NEW CLAUSES

3. Insert the following New Clause to follow clause 18—

"18A Simplified outline—Chapter 6

In section 7 of the Principal Act, after proposed section 110(3) of the **Environment Protection Act 2017** insert—

"(3A) Part 6.3A provides for offences relating to the supply and sale of certain single use items made of plastic or polystyrene and the provision of false or misleading information relating to certain single use plastic items."."

4. Insert the following New Clause to follow clause 20—

"20A New Part 6.3A inserted

In section 7 of the Principal Act, after proposed Part 6.3 of the **Environment Protection Act 2017** insert—

"Part 6.3A—Single use items

132A Definitions

In this Part—

banned single use item means—

- (a) an item, other than an exempt single use item, that comprises, either wholly or partly, plastic (whether or not that plastic is biodegradable, degradable or compostable) and is intended for disposal after a single use;
- (b) a food or beverage container, other than an exempt single use item, that comprises, either wholly or partly, polystyrene and is intended for disposal after a single use; or
- (c) a prescribed banned single use plastic item;

exempt single use item means—

- (a) an item that is supplied and used for medical or health-related purposes; or
- (b) an item that is supplied and used for policing or security purposes; or
- (c) a prescribed exempt single use item;

item means—

- (a) a drinking straw; or
- (b) cutlery; or
- (c) a plate, bowl or cup; or
- (d) a food or beverage container; or

- (e) the lid of a disposable coffee cup; or
- (f) a cotton bud; or
- (g) a beverage stirrer; or
- (h) a balloon stick.

132B Retailer must not provide banned single use items

A retailer must not sell or provide a banned single use item to a person in the course of conducting a retail business.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

132C Provision of false or misleading information relating to banned single use items

A retailer or wholesaler or a manufacturer of items must not, whether by act or omission, provide to any other person information that the retailer, wholesaler or manufacturer knows, or should reasonably know, is false or misleading about—

- (a) the composition of a banned single use item; or
- (b) whether or not an item is a banned single use item; or
- (c) whether or not an item is an exempt single use item.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units."

5. PUBLIC HOLIDAYS AMENDMENT BILL 2019

Amendments circulated by Mr Bourman

NEW CLAUSES

Insert the following New Clauses to follow clause 3—

'3A Substituted public holidays

In section 8(1) of the **Public Holidays Act 1993**, for "section 8A" substitute "sections 8A and 8B".

3B New section 8B inserted

After section 8A of the **Public Holidays Act 1993** insert—

"8B Council may request substitute holiday for the Friday before the Australian Football League Grand Final

- (1) A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—
 - (a) that the day appointed under section 6 being the Friday before the Australian Football League Grand Final is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
 - (b) that another day or 2 half-days (one half-day of which may be the Friday before the Australian Football League Grand Final) be appointed as a public holiday or 2 public half-holidays in that year.
- (2) A request under subsection (1) must—
 - (a) be made at least 90 days before the Friday before the Australian Football League Grand Final to which the request relates; and
 - (b) specify the day or 2 half-days of the substituted public holiday; and
 - (c) specify the reasons for making the request.

- (3) In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.
- (4) A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.".'.

Amendment circulated by Ms Patten

Clause 3, page 2, line 3, omit "Friday before" and insert "Monday after".

