



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 30 — Wednesday, 28 August 2019

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- 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 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.

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 Elasmir; 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 negatived.

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