



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 28 — Thursday, 15 August 2019

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
 - 2 **JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President reported that the House met with the Legislative Assembly on Wednesday, 14 August 2019 to —
 - (1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis and that Mr Enver Erdogan was elected to hold the vacant place in the Legislative Council;
 - (2) elect Members to the Victorian Health Promotion Foundation and that Ms Sarah Connolly MP, Ms Bridget Vallence MP, and Mr Andy Meddick MLC, were elected to the Foundation for a three year term commencing immediately; and
 - (3) elect Members to the Board of the Victorian Responsible Gambling Foundation and that Ms Maree Edwards MP, Mr Tim McCurdy MP, and Mr James Newbury MP, were elected to the Board for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.
 - 3 **NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr Enver Erdogan, having been introduced, approached the Table and took and subscribed the affirmation required by law.
 - 4 **RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019** — Ms Patten introduced A *Bill for an Act to amend the Racial and Religious Tolerance Act 2001 to extend the application of that Act to include protection from vilification based on certain protected attributes, to make related amendments 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.
 - 5 **WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019** — Mr Meddick introduced A *Bill for an Act to amend the Wildlife Act 1975 to protect certain birds, to prohibit the hunting, taking or destruction of those birds, to make further provision for other activities relating to birds and to make other amendments and for other purposes*.

On the motion of Mr Meddick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
 - 6 **ORDER OF THE DAY DISCHARGED** — Mr Meddick moved, by leave, That Order of the Day, General Business, No. 3, Wildlife Amendment (Protection of Birds) Bill 2019 be read and discharged and the Bill be withdrawn.

Question — put and agreed to.
 - 7 **PAPERS** —

COUNTY COURT OF VICTORIA REPORT, 2017-2018 — Mr Jennings presented, by command of the Governor, the Report of the County Court of Victoria for the year 2017-18.

Report ordered to lie on the Table.

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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:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 63.

Victorian Environmental Assessment Council Act 2001 — Victorian Environmental Assessment Council's Central West Investigation Final Report, June 2019.

8 SITTING OF THE COUNCIL — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 27 August 2019.

Question — put and agreed to.

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 WATER AND CATCHMENT LEGISLATION 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 Mr Davis were circulated.

Debate continued.

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.

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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:

- **Drug driving tests** — substantive and supplementary questions asked by Mr Limbrick — response from Ms Pulford due Monday, 19 August 2019.
- **SEA Electric contract** — substantive question asked by Ms Wooldridge — response from Ms Symes due Friday, 16 August 2019.
- **Red kangaroo control** — substantive question asked by Mr Meddick — response from Mr Jennings due Monday, 19 August 2019.
- **North Richmond Community Centre** — substantive and supplementary questions asked by Ms Crozier — response from Mr Somyurek due Tuesday, 20 August 2019.
- **Waste and recycling management** — supplementary question asked by Dr Ratnam — response from Mr Jennings due Monday, 19 August 2019.

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

14 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Quilty moved, That the Water and Catchment Legislation Amendment Bill 2019 be referred to the Environment and Planning Committee for inquiry, consideration and report by Tuesday, 26 November 2019.

Debate ensued.

Question — put and negatived.

Bill 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 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

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.

16 ENVIRONMENT PROTECTION AMENDMENT BILL 2019 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 to prohibit the provision of certain plastic bags and to prevent the provision of misleading information relating to plastic bags and to make technical and consequential amendments to the Environment Protection Amendment Act 2018 and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, by leave, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

17 FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Flora and Fauna Guarantee Act 1988 to promote Victoria's biodiversity by establishing objectives and principles of the Act, imposing additional obligations to consider biodiversity in decision-making, improving transparency and accountability and making various other amendments to strengthen the Act and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, by leave, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

18 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019 — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Births, Deaths and Marriages Registration Act 1996 to provide for a person to alter the record of a person's sex in the person's birth registration and to further provide for the issuing of a document acknowledging a person's name and sex, to make consequential amendments to the Children, Youth and Families Act 2005, the Corrections Act 1986, the Serious Offenders Act 2018 and the Sex Offenders Registration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

Ms Mikakos 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 Mikakos, by leave, the second reading speech was incorporated into Hansard.

Ms Mikakos 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 ADJOURNMENT — Mr Somyurek moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.33 p.m., adjourned until Tuesday, 27 August 2019.

ANDREW YOUNG
Clerk of the Legislative Council