



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 33 — Wednesday, 11 September 2019

Proof Version

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
 - 2 **PETITION — SUPPORT DUCK HUNTING** — Mr Bourman presented a Petition bearing 6,796 signatures from certain citizens of Victoria requesting that the Legislative Council support the continuation of the highly regulated and historical way of life that is duck hunting and oppose the Animal Justice Party's Wildlife Amendment (Protection of Birds) Bill 2019.
Ordered to lie on the Table.
On the motion of Mr Bourman, the petition was ordered to be taken into consideration on the next day of meeting.
 - 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 Enrolment Processes at Technical and Further Education Institutes, September 2019 (*Ordered to be published*).
 - Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations, pursuant to section 464Z(2) of the Act.
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
 - Casey Planning Scheme — Amendment C192.
 - Golden Plains Planning Scheme — Amendment C80.
 - Mitchell Planning Schemes — Amendments C143 and C147.
 - Yarriambiack Planning Scheme — Amendment C22.
 - Prevention of Family Violence Act 2018 — Respect Victoria Report, 2018-19.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 69.
 - Surveyor-General — Report on the administration of the Survey Co-ordination Act 1958, 2018-19.
 - 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
 - 5 **WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019** — Mr Meddick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Meddick moved, That the Bill be now read a second time.
On the motion of Ms Stitt, the debate was adjourned for two weeks.
 - 6 **CRIMES AMENDMENT (TRESPASS) BILL 2019** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Mr Bourman moved, That the Bill be now read a second time.
On the motion of Ms Stitt, the debate was adjourned for two weeks.

7 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

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

8 MURRAY-DARLING BASIN PLAN — Mr Quilty moved, That this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan.

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.

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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:

- **Boroondara Planning Scheme heritage assessment** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 13 September 2019.
- **Wodonga V/Line services** — supplementary question asked by Mr Barton — response from Ms Pulford due Friday, 13 September 2019.

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

11 MURRAY-DARLING BASIN PLAN — Debate continued on the question, That — this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan.

Ms Lovell moved, as amendments, That —

1. In line 1, **omit** the words “withdraw from” and **insert** in their place “redraft”.
2. After paragraph (2), **insert** the following:
“(3) 450GL of up water cannot be delivered without doing irreparable social and economic damage to Victorian communities or without flooding private property;”.

Debate ensued.

Pursuant to Sessional Order 8, the total time allocated for debate had elapsed —

Question — That the amendments moved by Ms Lovell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Mr Bourman; 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.
(Tellers: Mr O'Donohue and Mr Rich-Phillips)

NOES, 23

Mr Barton; 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: Ms Patten and Ms Stitt)

Question negatived.

Question — That this House calls on the Government to withdraw from the Murray-Darling Basin Plan, noting that the —

- (1) Murray-Darling Basin Plan diverts water away from Victorian irrigators and toward the Lower Lakes in South Australia;
- (2) Lower Lakes are naturally estuarine but the incorrect science of the Murray-Darling Basin Plan requires that they be maintained as freshwater lakes; and
- (3) Federal Government has refused to establish a Royal Commission to investigate the failure of the Murray-Darling Basin Plan — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Bourman; Dr Cumming; Mr Limbrick; Mr Quilty.

(Tellers: Mr Bourman and Mr Limbrick)

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; 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.

(Tellers: Ms Patten and Ms Stitt)

Question negatived.

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

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; Dr Ratnam; Mr Rich-Phillips.

(Tellers: Mr Finn and Mr Ondarchie)

NOES, 20

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

(Tellers: Mr Erdogan and Ms Vaghela)

Question negatived.

13 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 147, 114 and 162, be postponed until later this day.

14 SHEPPARTON EDUCATION PLAN — Ms Lovell moved, That this House expresses concern at the Andrews Labor Government's proposal to close all four public secondary schools in Greater Shepparton and create a large single campus secondary college in their place, and calls on the Government to —

- (1) immediately pause the Shepparton Education Plan;
- (2) halt the transition phase; and

- (3) conduct genuine consultation with the Greater Shepparton community regarding the future provision of secondary education in Greater Shepparton.

On the motion of Mr Finn, the debate was adjourned until later this day.

Question — put and agreed to.

15 WESTERN HIGHWAY DUPLICATION PROJECT — Dr Ratnam moved, That this House —

- (1) acknowledges the cultural and spiritual significance for the Djab Wurrung people of the trees and landscapes proposed for destruction by the Western Highway duplication Project;
- (2) notes the trees and landscapes are part of an ancient songline from the Dreamtime, that some of the trees are hundreds of years old and have seen generations of Djab Wurrung people born;
- (3) commends the Djab Wurrung people for their ongoing resistance to the proposed destruction of their cultural heritage;
- (4) calls on the Government to —
 - (a) rescind the eviction notice for the Djab Wurrung Heritage Protection Embassy and ensure the police do not attempt to move Djab Wurrung people from their land;
 - (b) enter into a dialogue with the Djab Wurrung people about protecting their spiritual lands; and
 - (c) go back to the drawing board in regard to this Project and any proposed routes.

Debate ensued.

Business having been interrupted at 5.15 p.m. pursuant to an order of the Council on 10 September 2019 —

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

17 ADJOURNMENT — Ms Mikakos 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