



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 26, 27 and 28

No. 26 — Tuesday, 13 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 given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments —
 - On 21 June 2019 —
Local Government (South Gippsland Shire Council) Act 2019
 - On 25 June 2019 —
Disability (National Disability Insurance Scheme Transition) Amendment Act 2019
 - On 2 July 2019 —
Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019.
- 3 **PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had, on 24 June 2019, presented to the Governor the Address of the Legislative Council adopted on 1 May 2019 in reply to the Governor's speech at the Opening of Parliament, and that she was pleased to make the following reply:

PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.
- 4 **JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced that he had received —
 - (1) a letter from the Victorian Branch of the Australian Labor Party, dated 15 July 2019, advising that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
 - (2) a letter from the Minister for Health, dated 9 August 2019, requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation; and
 - (3) a letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation, dated 12 August 2019, requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Board of the Victorian Responsible Gambling Foundation.

Mr Jennings moved, by leave, That —

- (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to —
 - (a) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
 - (b) elect Members for appointment to the Victorian Health Promotion Foundation;
 - (c) elect Members for appointment to the Victorian Responsible Gambling Foundation Board;

and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 14 August 2019 at 6.15 p.m.; and

- (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 14 August 2019 the Order of Business will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At **12 noon** Questions

Answers to Questions on Notice

General Business (continues)

At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

At **5.45 p.m.** Adjournment (up to 20 Members)

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

5 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:

- **Murray Basin Rail Project** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 15 August 2019.
- **Public housing** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 15 August 2019.

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

7 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday 14 August 2019 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to —

- choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Philip Dalidakis;
- elect three members of Parliament to the Victorian Health Promotion Foundation; and
- elect three members of Parliament to the Board of the Victorian Responsible Gambling Foundation.

8 PETITIONS —

BILLS STREET PUBLIC HOUSING ESTATE — Mr Davis presented a Petition bearing 35 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Boroondara Council remains the responsible authority for planning decisions relating to both the Bills Street Public Housing Estate and neighbouring University

of Melbourne sites, that a two to three storey height limit is enforced and the re-development incorporates a component of new public housing and is not sold off to private developers.

Ordered to lie on the Table.

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FISHERMANS BEND PUBLIC TRANSPORT ALTERNATIVES — Mr Hayes presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council appoint an independent panel to review public transport alternatives at Fishermans Bend, including an Immersed Tube under the Yarra and ‘trackless trams’.

Ordered to lie on the Table.

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SHEPPARTON EDUCATION PLAN — Ms Lovell presented a Petition bearing 1,364 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.

9 ENVIRONMENT PROTECTION AMENDMENT (REFUND ON BOTTLES AND CANS) BILL 2019 — Dr Ratnam introduced *A Bill for an Act to amend the Environment Protection Act 2017 to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective State-wide container deposit scheme and for other purposes.*

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

10 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2019 — Mr Barton introduced *A Bill for an Act to amend the Commercial Passenger Vehicle Industry Act 2017 to provide for certain offences including the offence of touting for a commercial passenger vehicle service and for other purposes.*

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

11 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 9 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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OMBUDSMAN — INVESTIGATION INTO STATE TRUSTEES — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman’s Report on the Investigation into State Trustees, June 2019.

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AUDITOR-GENERAL — ANNUAL PLAN 2019-20 — Pursuant to section 7A(9)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General’s Annual Plan, 2019-20.

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ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS — PROGRESS REPORT — Pursuant to section 37(3)(c) of the *Inquiries Act 2004*, the Clerk laid on the Table a copy of the Progress Report of the Royal Commission into the Management of Police Informants.

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PARLIAMENTARY BUDGET OFFICE OPERATIONAL PLAN 2019-20 — Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, the Clerk laid on the Table a copy of the Parliamentary Budget Office’s Operational Plan, 2019-20.

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OMBUDSMAN — INVESTIGATION INTO WELLINGTON SHIRE COUNCIL’S HANDLING OF NINETY MILE BEACH SUBDIVISIONS — Pursuant to section 25AA(4)(c) of the *Ombudsman*

Act 1973, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into Wellington Shire Council's Handling of Ninety Mile Beach Subdivisions, August 2019.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 13 June 2019 giving approval to the granting of a licence at Kardinia Park Memorial Pool Reserve.

Order of 21 June 2019 giving approval to the granting of a lease and a licence at Albert Park.

Order of 30 July 2019 giving approval to the granting of a licence at Cranbourne Wetlands Nature Conservation Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by the Chief Commissioner of Victoria Police for 2018.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 48.

Melbourne Cricket Ground Trust — Report, year ended 31 March 2019.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2019 (*Ordered to be published*).

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

Alpine Resorts Planning Scheme — Amendment C28.

Banyule, Frankston, Hume, Kingston, Manningham, Maribyrnong, Mitchell, Surf Coast and Whittlesea Planning Schemes — Amendment GC129.

Bass Coast Planning Scheme — Amendments C151 and C156.

Boroondara and Stonnington Planning Schemes — Amendment GC126.

Boroondara, Maribyrnong, Melbourne, Moreland, Stonnington, Wyndham and Yarra Ranges Planning Schemes — Amendment GC130.

Boroondara Planning Scheme — Amendment C276.

Brimbank, Darebin, Greater Bendigo, Greater Dandenong, Hobsons Bay, Knox, Monash, Port Phillip, Whitehorse and Yarra Planning Schemes — Amendment GC132.

Campaspe Planning Scheme — Amendment C112.

Cardinia Planning Scheme — Amendment C220.

Casey Planning Scheme — Amendments C224, C266 and C267.

Darebin Planning Scheme — Amendment C183.

French Island and Sandstone Island Planning Scheme — Amendment C7.

Golden Plains Planning Scheme — Amendment C74.

Greater Dandenong Planning Scheme — Amendment C221.

Greater Geelong Planning Scheme — Amendment C375.

Hume Planning Scheme — Amendments C205 and C236.

Kingston Planning Scheme — Amendment C166.

Latrobe Planning Scheme — Amendment C113.

Maroondah Planning Scheme — Amendments C126 and C135.

Melbourne and Port Phillip Planning Schemes — Amendment GC118.

Mitchell and Whittlesea Planning Schemes — Amendment GC134.

Mornington Peninsula Planning Scheme — Amendment C264.

Murrindindi Planning Scheme — Amendment C65.

Port Phillip Planning Scheme — Amendment C173.

South Gippsland Planning Scheme — Amendment C121.

Wellington Planning Scheme — Amendment C106.

Whitehorse Planning Scheme — Amendments C223 and C224.

Wodonga Planning Scheme — Amendment C98.

Yarra Ranges Planning Scheme — Amendment C163 (Part 1).

- Professional Standards Act 2003 — Amendment to the Australian Property Institute Valuers Limited Professional Standards Scheme (*Gazette No. G27, 4 July 2019*).
- Statutory Rules under the following Acts of Parliament —
- Audit Act 1994 — Nos. 55 and 56.
 - Child Wellbeing and Safety Act 2005 — No. 60.
 - Commercial Passenger Vehicle Industry Act 2017 — No. 53.
 - Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 — No. 62.
 - Heavy Vehicle National Law Application Act 2013 — No. 67.
 - Improving Cancer Outcomes Act 2014 — No. 50.
 - Long Service Benefits Portability Act 2018 — No. 52.
 - Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 49.
 - Magistrates' Court Act 1989 — Family Violence Protection Act 2008 — Personal Safety Intervention Orders Act 2010 — No. 59.
 - Marine Safety Act 2010 — No. 61.
 - Melbourne City Link Act 1995 — No. 68.
 - Mineral Resources (Sustainable Development) Act 1990 — No. 48.
 - Public Health and Wellbeing Act 2008 — No. 47.
 - Racing Act 1958 — No. 66.
 - Rail Safety (Local Operations) Act 2006 — No. 63.
 - Road Safety Act 1986 — No. 54.
 - Tobacco Act 1987 — No. 51.
 - Transport (Compliance and Miscellaneous) Act 1983 — No. 57.
 - Victorian Civil and Administrative Tribunal Act 1998 — Nos. 58 and 64.
 - Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 65.
- Subordinate Legislation Act 1994 —
- Documents under section 15 —
 - Rail Safety National Law National Regulations (Fees) Variation Regulations 2019.
 - Rail Safety National Law National Regulations Variation Regulations 2019.
 - Statutory Rule Nos. 36, 40, 41, 45, 47 to 51, 53 to 65 and 68.
 - Legislative Instruments and related documents under section 16B in respect of —
 - Determination of Accreditation and Registration Fees of 19 June 2019 under the Commercial Passenger Vehicle Industry Act 2017 and the Transport (Compliance and Miscellaneous) Act 1983.
 - Order in Council clarifying the intended maximum price applying to electricity sellers under the transitional pricing rule under clause 27 of the General Exemption Order of 1 July 2019 under the Electricity Industry Act 2000.
 - Fundraising Exemption Order 2019 of 25 June 2019 under the Fundraising Act 1998.
- Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in March 2019.
- Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 26 June 2019.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Disability (National Disability Insurance Scheme Transition) Amendment Act 2019 — Division 2 of Part 2, Division 4 of Part 4 and Sections 252 to 255, 257, 261(1), 263 to 265(1), 266, 268, 270, 272 to 274(1) and 275 — 1 July 2019 — Sections 145(1), (2) and (3) and 214 and Divisions 1 and 2 of Part 3 — 2 July 2019 (*Gazette No. S254, 25 June 2019*).
- Disability Service Safeguards Act 2018 — Sections 1 and 2 and Parts 18 (except Sections 300 and 301), 19 and 20 — 1 July 2019 (*Gazette No. S254, 25 June 2019*).
- Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018 — Sections 37, 41, 44 and 72(2) — 30 June 2019 (*Gazette No. S239, 18 June 2019*).

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 14(1), 17, 18, 20, 21, 28 and 29 and the Remaining Provisions of Parts 5 and 6 and Part 7 — 31 July 2019 (*Gazette No. S306, 30 July 2019*).

Residential Tenancies Amendment Act 2018 — Sections 34(5) (except paragraphs (a) and (b)) and 53(4) and Division 2 of Part 18 — 19 June 2019 (*Gazette No. S228, 12 June 2019*).

Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019 — Division 2 of Part 5 and Sections 45 and 47 — 8 July 2019 (*Gazette No. S282, 2 July 2019*).

- 12 LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Mr Jennings moved, by leave, That Mr Barton be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

- 13 BUSINESS OF THE COUNCIL** — Mr Limbrick moved, by leave, That precedence be given to the following General Business on Wednesday, 14 August 2019 —

- (1) the notice of motion given this day by Dr Cumming in relation to disability parking permits;
- (2) the notice of motion given this day by Dr Cumming in relation to pet registrations;
- (3) the notice of motion given this day by Mr Rich-Phillips referring a matter to the Environment and Planning Committee relating to the Solar Homes Program; and
- (4) Notice of Motion No. 111 standing in the name of Mr Limbrick referring a matter to the Environment and Planning Committee relating to removing prohibitions enacted by the *Nuclear Activities (Prohibitions) Act 1983*.

Question — put and agreed to.

- 14 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY ACT 2017 REFORMS** — Mr Elasmар moved, by leave, That the Resolution of the Council of 20 February 2019 requiring the Economy and Infrastructure Committee to inquire into and report, no later than 30 October 2019, on the operation of the commercial passenger vehicle reforms, be amended so as to now require the Committee to present its report by 28 November 2019.

Question — put and agreed to.

- 15 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE** — Mr Elasmар moved, by leave, That the Resolution of the Council of 1 May 2019 requiring the Economy and Infrastructure Committee to inquire into and report, by 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries, be amended so as to now require the Committee to present its report by 1 February 2020.

Question — put and agreed to.

- 16 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INCREASE IN VICTORIA'S ROAD TOLL** — Mr Elasmар moved, by leave, That the Resolution of the Council of 5 June 2019 requiring the Economy and Infrastructure Committee to inquire into and report, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, be amended so as to now require the Committee to present its report by 1 July 2020.

Question — put and agreed to.

- 17 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 18 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

19 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

20 ESSENTIAL SERVICES COMMISSION AMENDMENT (GOVERNANCE, PROCEDURAL AND ADMINISTRATIVE IMPROVEMENTS) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

21 ADJOURNMENT — Ms Pulford 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 4.32 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 27 — Wednesday, 14 August 2019

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

2 PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 66.

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

4 DISABILITY PARKING PERMITS — Dr Cumming moved, That this House calls on the Government to develop and launch a state-wide system for the administration, distribution and monitoring of Disability Parking Permits, that —

- (1) complements the national Australian Disability Parking Scheme;
- (2) is centralised and administrated entirely by VicRoads;
- (3) is standardised to provide equal access to services regardless of where people live, relocate, or travel to;
- (4) removes the excessively complicated administrative procedures currently in place;
- (5) includes a standardised education and information program and service with the primary aims of improving access and compliance;
- (6) reduces confusion within the community in relation to the local, state and federal government's expectations; and
- (7) reduces fraud.

Debate ensued.

Question — put and agreed to.

5 PET REGISTRATIONS — Dr Cumming moved, That this House calls on the Government to develop and launch a state-wide system for the administration and distribution of pet registrations, and in doing so —

- (1) consider —
 - (a) a centralised and standardised system to reduce confusion within the community in relation to the local, state and federal governments' expectations;
 - (b) the cost to owners;
 - (c) an education and information program that aims at improving access and compliance;

- (d) the removal of excessively complicated administrative procedures that are currently in place;
 - (e) funding to local councils so that they may comply with duties under the *Domestic Animals Act 1994*; and
- (2) ensure that the system complies with the *Domestic Animals Act 1994* and complements the national microchipping registration process.

Debate ensued.

Question — put and agreed to.

6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — SOLAR HOMES PROGRAM — Mr Rich-Phillips moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;
- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (8) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne.

Debate ensued.

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

7 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:

- **Murray-Darling water trading** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 16 August 2019.
- **Building cladding** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 16 August 2019.
- **Prisoner recidivism** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Friday, 16 August 2019.

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

9 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — SOLAR HOMES PROGRAM — Debate continued on the question, That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;

- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (8) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne.

Dr Ratnam moved, as an amendment, That after paragraph (6) **insert** the following new paragraph:

“(7) how the Program can be restructured for greater and more cost-effective reductions in greenhouse emissions and energy poverty;”.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —

Question — That the amendment moved by Dr Ratnam be agreed to — put and agreed to.

Question — That the motion, moved by Mr Rich-Phillips, amended as follows, be agreed to — That this House requires the Environment and Planning Committee to inquire into, consider and report, by Wednesday, 13 November 2019, on the Solar Homes Program, and in particular, the Committee should consider —

- (1) the extent of the consultations conducted with the solar panel installation industry to determine the optimum design of the program, and to ascertain what the anticipated impacts of a pre-determined rebate cap would be on the industry;
- (2) the advice the Government received from the Department of Environment, Land, Water and Planning, Sustainability Victoria and any other government department or agency, in relation to any anticipated impacts of a pre-determined rebate cap on the industry;
- (3) the consultations conducted with, and advice received from the Clean Energy Council in relation to the design and implementation of the Program;
- (4) the administration of the Program, including the probity of the rebate selection process;
- (5) the effectiveness of the face recognition application process and if the process breaches any privacy issues;
- (6) any adverse mental health impacts that have been experienced by solar installation business owners and employees as a result of closed businesses or retrenchment;
- (7) how the Program can be restructured for greater and more cost-effective reductions in greenhouse emissions and energy poverty;
- (8) whether the program has increased or decreased the number of residential solar panel installations per month across Victoria; and
- (9) whether the design and implementation of the program has disadvantaged the solar panel installation industry in rural and regional Victoria compared to the industry in Melbourne

— 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; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mrs McArthur and Dr Ratnam)

NOES, 19

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

The Ayes and Noes being equal, the question was negatived.

10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — NUCLEAR ENERGY —

Mr Limbrick moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, within 12 months, on potential benefits to Victoria in removing prohibitions enacted by the *Nuclear Activities (Prohibitions) Act 1983*, and in particular, the Committee should —

- (1) investigate the potential for Victoria to contribute to global low carbon dioxide energy production through enabling exploration and production of uranium and thorium;
- (2) identify economic, environmental and social benefits for Victoria, including those related to medicine, scientific research, exploration and mining;
- (3) identify opportunities for Victoria to participate in the nuclear fuel cycle; and
- (4) identify any barriers to participation, including limitations caused by federal or local laws and regulations.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.**12 STATEMENTS ON REPORTS, PAPERS AND PETITIONS —** Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.**13 ADJOURNMENT —** Ms Pulford 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 5.31 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 28 — Thursday, 15 August 2019

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, 2017-18 — Mr Jennings presented, by Command of the Governor, the County Court of Victoria Report, 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.

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.

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, 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, 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, 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

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 26, 27 and 28

WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019

Committed Thursday, 15 August 2019

Amendments circulated: Mr Davis (p. 202)

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Davis moved Amendment No. 1.

Question — That the Amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

(Tellers: Ms Bath and Ms Wooldridge)

NOES, 28

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmár; Mr Erdogan; Ms Garrett; Mr Gepp;
Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell;
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 Vaghela.

(Tellers: Ms Stitt and Ms Taylor)

Question negated.

Clause 5 — put and agreed to.

Clauses 6 to 128 — put and agreed to.

Bill reported without amendment.

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ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019

Committed Thursday, 15 August 2019

Amendments circulated: Ms Patten (pp. 202-3)

Clauses 1 to 10 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019***Amendments circulated by Mr Davis*

1. Clause 5, page 8, after line 24 insert—

'(11) In section 3(1) of the Principal Act **insert** the following definition—

"Commonwealth environmental water holdings has the same meaning as in the Water Act 2007 of the Commonwealth."'

2. Insert the following New Clause to follow clause 14—

'14A Contents of a long-term water resources assessment

For section 22L(a) of the Principal Act **substitute**—

"(a) there has been any decline in the long-term availability of surface water or groundwater and whether the decline has fallen disproportionately on—

(i) the environmental water reserve and any Commonwealth environmental water holdings in relation to Victoria; or

(ii) the allocation of water for consumptive purposes;"'

3. Clause 17, after line 3 insert—

'(aa) for paragraph (a) **substitute**—

"(a) a decline in the long-term availability of surface water or groundwater which has a disproportionate effect on—

(i) the environmental water reserve and any Commonwealth environmental water holdings in relation to Victoria; or

(ii) the allocation of water for consumptive purposes; or;"'

4. Clause 17, after line 5 insert—

'(ab) for paragraph (c) **substitute**—

"(c) to restore the balance between—

(i) the environmental water reserve and any Commonwealth water holdings in relation to Victoria; and

(ii) the allocation of water for consumptive purposes; or;"'

2. ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (CONSENT) BILL 2019*Amendments circulated by Ms Patten*

1. Clause 1, page 2, after line 2 insert—

"(ab) to amend the **Assisted Reproductive Treatment Act 2008** to remove the requirement for a person to obtain a criminal records check before a treatment procedure can be carried out; and"

2. Clause 4, after line 6 insert—

"(2) In section 3 of the Principal Act, the definition of **criminal records check** is **repealed**."

NEW CLAUSES

3. After clause 4 insert—

"4A Requirements as to consent

Section 11(1)(c) of the Principal Act is **repealed**."

4. Before clause 5 insert—

'5AA Presumption against treatment

For section 14(1) of the Principal Act **substitute**—

"(1) This section applies if a child protection order check specifies that a child protection order has been made removing a child from the custody or guardianship of the woman or her partner.".'.

5. After clause 5 insert—

"5A Application of general requirements for treatment to surrogacy arrangement

Section 42(a) of the Principal Act is **repealed**".

AMENDMENT OF LONG TITLE

6. Long Title, after "from her spouse," insert "to remove the requirement for a person to obtain a criminal records check before a treatment procedure can be carried out and".

