



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 31 — Thursday, 29 August 2019

*Proof Version*

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- 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 2019-23** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian Public Health and Wellbeing Plan 2019-23.  
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.

Debate ensued.

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 2019-22** — 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 2019-22.

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 Legal and Social Issues Committee.

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.

Debate continued.

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.

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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:

- **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.

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

Debate continued.

- 17 DINNER SUSPENSION POSTPONEMENT** — Ordered — That the meal break scheduled for this day, pursuant to Sessional Order 1, be suspended.

- 18 PUBLIC HOLIDAYS AMENDMENT BILL 2019** — Question, That the Bill be read a second time — 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.

- 19 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.

- 20 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.

**21 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.

**22 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.

**23 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*