

LEGISLATIVE COUNCIL

CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020

(Reasoned amendment to be moved by Mr Limbrick to motion for Second Reading)

That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until a Select Committee of eight Members is appointed to inquire into, consider and their report is presented to the House, no later than 2 August 2021, in accordance with the following terms —

- (1) the Committee will examine the potential legal and democratic consequences of utilising the entrenchment provisions of the *Constitution Act 1975* to enshrine Government policy priorities as contemplated by the Constitution Amendment (Fracking Ban) Bill 2020, and in particular —
 - (a) the views and opinions of academic and legal experts;
 - (b) the nature and intent of section 6 of the Australia Act 1986 (Cth) and the implications for this Bill;
 - (c) relevant case law from the High Court of Australia;
 - (d) any legal advice the Government received in drafting the Bill;
 - (e) community views on the role of the Victorian Constitution;
- (2) the Committee will consist of four Members from the Government Party nominated by the Leader of the Government in the Council, two Members from the Opposition nominated by the Leader of the Opposition in the Council, two Members from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) the Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on the day following the House resolving to establish the Committee;
- (4) the first meeting of the Committee must be held no later than 14 days after the day on which the House resolves to establish the Committee;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry; and
- (10) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.”.